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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourth periodic reports submitted by States parties under articles 16 and 17 of the Covenant on the basis of the programmes referred to in Economic and Social Council resolution 1988/4

Addendum

UKRAINE*

[13 August 1999]

* The third periodic report submitted by the Government of Ukraine concerning rights covered by articles 1-15 of the Covenant (E/1994/104/Add.4) was considered at the thirteenth session of the Committee on Economic, Social and Cultural Rights in 1995 (E/C.12/1995/SR.42, 44 and 45). The information submitted by Ukraine in accordance with the guidelines for the initial part of the reports of States parties is contained in the core document (HRI/CORE/1/Add.63/Rev.1).

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I GENERAL INFORMATION

A Land and people

1 Ukraine, one of the largest and most populous countries in Europe, became independent in 1991 following the collapse of the USSR

2 The country has a total area of 603,700 km^2 and consists of 24 oblasts and the Autonomous Republic of Crimea with its administrative centre at Simferopol The cities of Kiev and Sevastopol also have the status of administrative units

3 Ukraine shares borders with the Russian Federation, Belarus, Moldova, Poland, Slovakia, Hungary and Romania

4 Ukraine's population was 50 5 million in 1989 According to 1989 census data, there were 36 5 million Ukrainians (72 7 per cent) and 14 million persons belonging to other nationalities (27 3 per cent)

5 Ukraine is a multi-ethnic State, which in 1989 was home to over 130 nationalities Numbering 11 4 million or 22 1 per cent of the entire population, Russians are the largest national minority in Ukraine Eight ethnic groups are represented by between 100,000 and 500,000 persons 486,300 Jews (0 9 per cent of the population), 440,000 Belarusians (0 9 per cent), 342,500 Moldovans (0 6 per cent), 233,000 Bulgars (0 5 per cent), 219,200 Poles (0 4 per cent), 161,000 Magyars (0 3 per cent), and 134,800 Romanians (0 3 per cent) There are 14 ethnic groups numbering more than 10,000 persons Greeks, Tatars, Armenians, Roma, Germans, Azerbaijanis, Gagauz, Georgians, Chuvash, Uzbeks, Mordovans, Lithuanians, and Kazakhs The remaining national communities are represented by less than 10,000 people

1 Brief economic outline

6 Following its declaration of independence, Ukraine embarked on the process of validating itself as a State The elaboration and enactment of a national population policy was a key element in this process In Ukraine, like most countries with a transitional economy, the processes of State-building and the creation of a radically new model of economic activity have inevitably been accompanied by acute social problems which can only be resolved given time and the right combination of external factors

7 Preliminary figures indicate that nominal gross domestic product (GDP) in 1998 was 103 9 billion hryvnias (HRV), this represented a decrease of 1 7 per cent compared to 1997, the steepest decline since independence Per capita GDP in 1998 was HRV 2,065

8 Gross national income (formerly known as gross national product), which takes account of transactions with non-residents such as payments to wage labourers, production and import taxes, and income from property remitted or drawn by non-residents, amounted to HRV 92 2 billion in 1997, or HRV 1 2 billion less than GDP

9 Industrial output trends for the period 1991-1998 reveal that industry experienced its worst crisis in 1994 when output shrank by 27 3 per cent, or 50 per cent over eight years

10 The significant downturn in output, coupled with inflationary pressures, has led to changes in the nature of Ukraine's industrial base The dominant energy-intensive and raw-material sectors such as metallurgy, power generation and fuels accounted for 48-50 per cent of industrial activity in the period 1995-1998, compared with 21 per cent in 1990 The proportion of engineering in the industrial mix has halved since 1990 and now fluctuates between 15 and 16 per cent The light industrial sector has contracted sevenfold, and now accounts for just 1 5 per cent of industrial activity

11 The decline in manufacturing output slowed in 1995, and in the first half of 1998 production actually increased However, the financial crisis arrested this trend manufacturing output declined by 1 5 per cent over 1998 as a whole (compared with a decline of 1 8 per cent in 1997)

12 Nevertheless, compared to 1997, output increased in non-ferrous metallurgy, the motor industry, agricultural machinery, petrochemicals, timber-processing and papermaking, light industry and the building materials industry The pattern of industrial ownership has changed significantly The private sector has witnessed the most far-reaching developments The proportion of non-State-owned enterprises has increased from 23 per cent in 1991 to 80 per cent in 1998, and the volume of their output has risen correspondingly from 17 per cent to 68 per cent

13 Private-sector enterprises in the food industry, light industry, the timber-processing industry, and the pulp and paper industry account for between 92 and 98 per cent of total output, and in the metallurgical, glass, china and earthenware, and building materials industries the figure is over 80 per cent

14 Agriculture contributes 11 per cent of the gross added value generated in the various sectors of the Ukrainian economy One fifth of the total workforce is employed in agriculture, and almost one quarter of the total value of the country's fixed assets in the material sphere are concentrated in this sector Compared to 1990 levels, agricultural output had declined by 47 per cent in 1998, farms were three times less productive These trends have prompted significant changes in the structure of production Whereas in 1990 the principal agricultural producers were large-scale farms accounting for 71 per cent of production, in 1998 privately-owned farms were responsible for 58 per cent of total output These units now provide almost the entire crop of potatoes and vegetables, three quarters of all fruit and berries, and nearly two thirds of basic livestock requirements

15 In 1998 Ukraine produced 26 5 million tons of grain (almost half of production in 1990, the year of highest yield), 15 5 million tons of sugar beet (almost two thirds of the 1990 figure), 1 7 million tons of meat (62 per cent less), 13 7 million tons of milk (44 per cent less), and 8 3 billion eggs (almost half of the 1990 total)

16 Investment and construction started to pick up in 1998 Investment in capital assets grew by 4 8 per cent compared to 1997 (in contrast with previous years, when it was in steady decline) However, compared to 1990, investment and construction were down by 78 3 per cent

17 Foreign appetite for investing in the Ukrainian economy is tailing off Whereas in 1995 the volume of direct foreign investments was up 56 5 per cent on the previous year, the comparable figure was 30 9 per cent in 1996, 15 5 per cent in 1997 and only 14 8 per cent in 1998 The value of direct foreign investments at the end of 1998 was 2 78 billion United States dollars (US$) The largest investments have been made by non-residents from the United States of America (18 3 of the total), the Netherlands, Germany, the United Kingdom and the Russian Federation

18 During the period 1991-1997, the number of small enterprises in Ukraine almost tripled, in 1997 there were 136,000 of them In 1997 small businesses employed 1 4 million people or 7 per cent of the total number of employed persons in all sectors of the economy

19 Most small businesses are set up on a private or cooperative basis Thirty-two per cent of small businesses are private companies, 66 per cent are cooperatives, and 2 per cent are State-run

20 Certain price trends in the national economy during the period 1991-1998 should be noted Consumer and industrial producer prices have risen gradually since 1991 After soaring in 1992, prices continued to climb throughout 1993 and peaked in that year In the period 1994-1997 the rate of increase slowed somewhat, and this trend continued from January to August 1998

21 The devaluation of the hryvnia was principally to blame for the price rise of September-December 1998 which affected consumers and industry alike Over 1998 as a whole, consumer prices rose by 20 per cent and industrial producer prices by 35 3 per cent

22 The notional average monthly wage per worker in 1998 was HRV 153 5 or $62 7 according to the National Bank of Ukraine rate Price rises outstripped the increase in notional earnings during the period 1991-1998, so wages actually fell by more than 70 per cent in real terms The steepest drop occurred in 1992-1993 Over the past year wages have fallen by 12 9 per cent in real terms

23 In the seven years since the adoption of the Employment Act, a number of changes have occurred on the labour market owing to structural transformations in the economy and worsening economic and social problems

24 In the period 1992-1998, over 5 million unemployed job-seekers registered with the national employment service One in five was laid off as a result of reorganization of production An average of 486,800 people registered with the employment services every year between 1992 and 1995 There were 821,300 registered unemployed in 1996 and 1 4 million in 1998

25 Between 1992 and the end of 1994, enterprises' demand for labour matched the available supply more or less exactly. But starting in 1995, the overall decline in the number of job vacancies, in the context of mushrooming unemployment, has caused an imbalance in the labour market. Thus, whereas at the end of 1995 there were two applicants for every vacancy, that number had risen to 11 per vacancy at the end of 1996 and 30 per vacancy at the end of 1998.

26 One million people were registered as unemployed with the national employment service as of 1 January 1999, or 3.5 per cent of the working population. The total number of unemployed was in fact many times higher. According to a survey in November 1998, there were 3 million jobless persons actively seeking employment and able to work, or 12 per cent of the economically active population aged between 15 and 70.

2. Demographic outline

27 The overall socio-economic situation of Ukraine, and particularly the repercussions of the financial crisis which have affected a number of countries in the Commonwealth of Independent States (CIS) in the past year, continues to impact negatively on the development of the country's principal population indicators. Population reproduction is unfortunately characterized by predominantly negative trends, principally as a result of social instability and the declining standard of living.

28 The population of Ukraine as of 1 January 1999 was 50.1 million, of which 67.9 per cent (34 million) was urban and 32.1 per cent (16.1 million) was rural. As regards the sex structure of the population, 53.5 per cent (26.8 million) was female and 46.5 per cent (23.3 million) was male.

29 According to statistics from the beginning of this year, Ukraine's average population density was 83 persons per km^2. This index is much higher in the urbanized and industrially developed eastern oblasts and in the western oblasts where private-sector agricultural activity is concentrated.

30 During the past five years the Ukrainian population has been falling at an average rate of almost 400,000 a year. In the past year the total population has dropped by 394,300. Negative growth was first recorded in 1993. The principal cause is and remains natural population wastage; negative growth in 1998 was 300,700.

31 The determining factors in natural population wastage are a declining birth rate coupled with a high mortality rate. Compared with the position at the beginning of the 1990s, the total birth rate in Ukraine has fallen by 31.4 per cent; in 1998 the rate of decline was 8.3 per cent. The national birth rate is regarded as deficient because, for some time now, the population has been unable to reproduce itself: the net reproduction rate in 1997-1998 was 0.578, whereas this indicator should be no less than 1. Almost half the number of families with children aged under 18 are one-child families. The number of one-child and childless households is increasing.

32 The birth rate depends to a considerable extent on the correlation between the number of marriages and divorces. There has been a marked and continuous decline in the number of marriages contracted in Ukraine in recent years (in 1998 there were 6.2 marriages per 1,000 of

population, whereas in 1991 this indicator was 9 5), the number of divorces has stabilized, remaining practically unchanged since the mid-1970s (3 6-3 9 divorces per 1,000 of population) There is an increasing trend towards non-formal conjugal unions and family structures in Ukrainian society The number of children born out of wedlock is rising, as is the number and proportion of single mothers (over 90 per cent of all divorcees are women of child-bearing age) It is abundantly clear that couples cannot afford to have as many children as they want families with children, and especially large families, are among the least well-protected groups in society, together with lone-parent families maintained (for the most part) by women and families with disabled children The presence of children in a family significantly reduces its financial independence and the size of the average per capita income the income of a household with three or more children is three or four times lower than that of a childless household

33 A second component of natural population change is the mortality rate Over the last eight years the general death rate has gone up by 10 9 per cent, reaching 14 3 per thousand of population in 1998 Mortality has increased in almost all age groups of the male population without exception, and among women aged 20 and over The high mortality rate among persons of working age is a matter of particular concern, a noteworthy characteristic being marked sex-age-specific differentiation in all sectors of the population aged between 20 and 50, male mortality is three times that of females In rural areas the mortality rate greatly exceeds the analogous indicator for urban areas 18 2 as against 12 5 deaths per 1,000 of population

34 Some of the factors underlying the increase in morbidity and mortality are the changes in socio-economic relations and the social disintegration of the population, which are reflected in changed patterns of behaviour and general attitudes to health The poor health of children and adults of working age is a matter of serious concern Reproductive health has deteriorated and there is a high incidence of occupational disease, injury and disability

35 Ukraine's mortality indicators during the reporting period increased for all causes of death Half the total number of deaths are attributable to diseases of the circulatory system, and regrettably this trend continues unabated since the beginning of the 1990s the number of deaths from such diseases has increased by one third This cause of death is particularly common among male town-dwellers Age-specific death rates among males owing to diseases of the circulatory system are much higher than among females, peaking chiefly in the intermediate age groups of the working population (30-45 years)

36 Some words should be said about the incidence of cancer in Ukraine and the morbidity and mortality indicators connected with malignant carcinomas The incidence of cancer has increased in both the male and female population The number of cancer-related deaths among males is one and a half times greater than among females The incidence of carcinoma of the thyroid, prostate gland, bladder, and uterine cervix, and also breast cancer, have shown the largest increases

37 Following a long decline in the number of deaths attributable to infectious and parasitic diseases, this indicator has shown a marked increase since the early 1990s, particularly in urban areas The number of deaths from tuberculosis, which has more than doubled in the towns over

this period and increased by a factor of 1.5 in the countryside, are a major cause for concern. Another serious development is the widespread incidence of tuberculosis among social drop-outs who pose a constant risk of infection for those around them.

38. HIV-AIDS is an enormous public health threat. Very serious is the fact that the great majority of infected persons are young people. 15 per cent of all AIDS-sufferers are children and teenagers. Recently Ukraine has experienced an upsurge in the incidence of venereal diseases such as syphilis and gonorrhoea, in addition to the new generation of sexually-transmitted infections. The high incidence of venereal disease among the population of child-bearing age, with its negative impact on the reproductive function, is a worrying development.

39. The death rate owing to so-called unnatural causes - accidents, homicides, suicides and other extraneous factors - is on the increase. It is the third biggest killer of males and the fourth of females. Set against mortality indicators for other causes of death, it is significant that the number of deaths owing to nervous disorders has almost doubled.

40. There has been a 25 per cent increase in the number of deaths connected with diseases of the endocrine system and digestive, metabolic and immune disorders, largely attributable to environmental degradation including the after-effects of the Chernobyl accident. People who were directly involved in dealing with the consequences of the accident, evacuees including children, people living in the radiological control zone, and children whose parents were exposed to the effects of ionizing radiation all require an enhanced level of aftercare because the health indicators for these groups are characterized by pronounced negative trends.

41. Although the general death rate in Ukraine is fairly high, there have nevertheless been some signs of improvement during the last three years which are reflected in a gradual decrease in the index. The infant mortality rate has also fallen during this period. The number of children dying before their first birthday fell from 14.7 per 1,000 live births in 1995 to 12.8 in 1998.

42. The morbidity rate for children and teenagers is an important indicator of national health. Despite the recent improvement in the infant mortality rate, medical studies point to a steady worsening in children's physical, mental and intellectual health. Congenital malformations and hereditary diseases are increasingly frequent, as are chronic illnesses and so-called "diseases of civilization" (vascular dystonia, neuroses, allergic illnesses). There is still a high incidence of childhood disability, and the occurrence of certain infectious diseases such as diphtheria, tuberculosis, and syphilis is on the increase.

43. Infant mortality is largely dependent on maternal health, women's living and working conditions, diet, access to qualified medical assistance, and adequate childbirth facilities. The health of the mother is crucial in determining that of her offspring. However, maternal mortality indicators reveal the limited reproductive potential of Ukrainian women. The maternal mortality rate in 1998 was 27.2 per 1,000 live births.

44. The processes of natural population development are having a negative impact on life expectancy at birth. Since the early 1990s the life expectancy of the Ukrainian population as a whole has fallen by three years, it currently stands at 68.08 years, which, nevertheless, represents

a slight improvement over the index during the last three years. Male life expectancy has declined dramatically during the reporting period, by a full three years (62.74 years). Female life expectancy, currently 73.5 years, has fallen by one year during the 1990s. The widening gap between the sexes is in some respects an indicator of Ukraine's medical and demographic woes. The life expectancy gap between the sexes reflects the fact that men are dying at a younger age from all causes of death.

45. It would be inaccurate to qualify the recent overall slowdown in declining life expectancy at birth as a reversal of the downward trend; it would be nearer the mark to say that the index has stabilized. At the same time, forecasts seem to rule out the possibility of another steep decline comparable to that observed in the early 1990s.

46. Depopulation in Ukraine is causing undesirable qualitative changes in the country's age structure, in the sense that the population is getting older. Over the past decade the average age of the population has increased by 1.3 years to 38, and the proportion of persons aged over 60 has gone up 1.4 per cent to 20.1 per cent of the population as a whole. A particularly undesirable age structure has developed in rural areas, where persons older than working age make up one third of the population. The demographic burden per 1,000 of population of working age represented by persons of non-working age is 1,019 in rural areas and 669 in urban areas, i.e. every person of working age in the countryside must "support" more than one person of non-working age.

47. At the beginning of the 1990s there was a positive balance of migration into and out of Ukraine, and the increase in the total population in 1991-1992 was actually due to net immigration. Net immigration was also recorded in 1993, but the number of arrivals did not exceed natural wastage, and therefore the population decreased in overall terms. The Ukrainian population has been falling since 1994 as a result of net emigration and natural population wastage. In 1998 net migration was also negative, with 93,600 people leaving the country.

48. Emigration from Ukraine to countries outside the former Soviet Union in the early 1990s had an obvious ethnic dimension. The principal destinations were (and still are) Israel, the United States of America and Germany. The motivation for external migration is now very different: an analysis of the national composition of emigrants indicates that ethnic reasons are no longer the principal reasons for departure. Emigration is now fuelled to a considerable extent by the economic instability in the country.

49. The considerable flow of immigrants is mainly composed of ethnic Ukrainians and persons of Ukrainian extraction, and also returning Crimean Tatars and ethnic Germans who were deported in the past. Ukraine is the only country in the post-Soviet area that has met nearly all the return and installation costs incurred by its repatriates. Approximately $300 million of public funds have been set aside for this purpose during the reporting period. Despite the difficult economic situation and the general financial crisis, budget appropriations have consistently been allocated for the needs of this category of Ukrainians. Nevertheless, Ukraine requires urgent international assistance to pay for the return and reinstallation of the deported Crimean Tatars and other nationalities.

50 Another problem has to do with the forcible displacement of population and the refugees who poured into Ukraine in the late 1980s. According to expert estimates, Ukraine took in some 150,000 refugees from former Soviet republics during this period. In recent years the number of refugees from Africa, South-East Asia, and the Middle East has increased. The Refugees Act states that this category of the population enjoys basic social rights, namely the right to medical assistance, education, and employment. In addition, the opportunity to exercise these rights is heavily dependent on available budget resources.

51 The overall social and demographic situation in Ukraine is therefore characterized by a gradual ageing of the population, a declining birth rate and a relative stabilization of the high mortality rate, a deterioration in the national health, including reproductive health; worsening problems confronting families, mothers and children; high net emigration, primarily of persons of working age, and an unfavourable economic climate.

52 Of the various measures designed to curb these negative trends, the most important is the Ukrainian Government's special programme of action to improve the national demographic situation. The main aim of these measures is to tackle the most serious population issues in a systematic way by devising and introducing comprehensive and specially-targeted programmes within the framework of an overarching national population strategy.

Selected demographic characteristics of Ukraine

Indicator	1991	1992	1993	1994	1995	1996	1997	1998
Population at year end (millions), of which	521	522	521	517	513	509	505	501
Urban population	353	354	354	351	348	345	343	340
Rural population	168	168	167	166	165	164	162	161
Males	242	243	242	240	236	234	235	233
Females	279	279	279	277	277	275	270	268
Birth rate (per 1,000)	121	114	107	100	96	91	87	83
Death rate (per 1,000)	129	134	142	147	154	152	149	143
Number of infant deaths before first birthday (per 1,000 live births)	139	140	149	145	147	143	140	128
Maternal mortality (per 1,000 live births)	298	313	328	313	323	304	251	272
Natural wastage (reduction) (thousands)	-391	-1 003	-1 842	-2 431	-2 997	-3 095	-3 115	-3 007
Demographic burden on population of working age (thousands), of which	795	797	797	794	791	786	781	768
Urban areas	697	699	698	695	690	686	680	669
Rural areas	1 041	1 046	1 047	1 045	1 044	1 041	1 037	1 019

Indicator	1991	1992	1993	1994	1995	1996	1997	1998
Number of marriages (per 1,000)	95	76	82	77	84	60	68	62
Number of divorces (per 1,000)	39	43	42	40	38	38	37	36
Net migration (thousands)	1 484	2 881	496	-1 432	-948	-1 311	-821	-936

Life expectancy at Birth

Period	Total population	Of which:	
		Male (years)	Female (years)
1989-1990	70.68	65.87	75.06
1991-1992	69.30	64.20	74.18
1992-1993	68.67	63.50	73.70
1993-1994	67.98	62.78	73.15
1994-1995	67.22	61.82	72.72
1995-1996	66.93	61.40	72.65
1996-1997	67.36	61.91	72.95
1997-1998	68.08	62.74	73.50

Total fertility (1998)

Total number of women of reproductive age		Total fertility	
1 January 1998	1 January 1999	1 January 1998	1 January 1999
12 784 056	12 789 258	1.19 children	-

B. General legal framework within which human rights are protected

53. Article 55 of the Ukrainian Constitution states that human and citizens' rights are protected by the courts. Everyone is guaranteed the right to challenge through the courts the decisions, actions or omissions of the central and local authorities and of officials and State employees. Every citizen has the right of recourse to the Human Rights Commissioner of the Verkhovna Rada for the protection of their rights. Following exhaustion of domestic legal remedies, everyone has the right of recourse to the relevant international judicial institutions or the relevant bodies of international organizations of which Ukraine is a member, or in which it participates, for the protection of their rights and freedoms. Everyone has the right to protect their rights and freedoms from violations and unlawful encroachments by any means not prohibited by law.

54. Everyone is entitled to be compensated by the State or local authorities for material or moral damage caused by the unlawful decisions, actions or omissions of central or local authorities and their officials and employees in the exercise of their authority (article 56 of the Constitution). The procedure for compensation of injury is set forth in article 40 of the Ukrainian Civil Code.

55. The Ukrainian Constitution protects the human rights enshrined in the International Covenant on Economic, Social and Cultural Rights. No derogation from these rights is permissible. International legal standards, including those dealing with human rights and freedoms, are incorporated into domestic law when the Verkhovna Rada consents to be bound by international treaties.

II. ISSUES RELATING TO GENERAL PROVISIONS OF THE COVENANT

Article 1. Right of peoples to self-determination

56. The Constitution of Ukraine, which was adopted by the Verkhovna Rada on 28 June 1996, proclaimed that the Ukrainian people is composed of Ukrainian citizens of all nationalities. Article 11 of the Constitution also defined the structural components of Ukrainian society - the Ukrainian nation, national minorities, and indigenous peoples - and made it incumbent on the State to promote their ethnic, cultural, linguistic and religious identity.

57. Article 3 of the National Minorities Act states that "national minorities are groups of Ukrainian citizens of non-Ukrainian nationality who share a sense of national identity and community". According to Ukraine's so-called "zero option", Ukrainian nationals are all former USSR citizens who were living in Ukrainian territory when national independence was proclaimed on 24 August 1991, and all persons regardless of race, skin colour, ethnic origin and other characteristics who were permanently resident in the country and were not citizens of other countries when the Ukrainian Citizenship Act came into force on 13 November 1991. Accordingly, all Ukrainian citizens of non-Ukrainian nationality were given the right voluntarily to define themselves as national minorities.

58. Under article 6 of the National Minorities Act, "the State guarantees all national minorities the right to national and cultural autonomy, to use and teach their native language or study it in State educational institutions or through national cultural societies, to develop their national cultural traditions, to use national symbols, to observe national holidays, to practise their religion, to satisfy their literary, artistic and media requirements, and to establish national cultural and educational institutions. The historical and cultural monuments of national minorities in Ukrainian territory are protected by law."

59. The right of equality before the law in all areas of economic, social, political and cultural life is guaranteed under article 24 of the Constitution, which states that: "citizens have equal constitutional rights and freedoms and are equal before the law. There shall be no privileges or restrictions based on race, skin colour, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics." The right of equality before the law and the prohibition of discrimination on ethnic grounds is also enshrined in the National Minorities Act (arts. 1, 9 and 18).

60. The obligation of citizens to respect the culture, language, traditions, customs and rites of national minorities is enshrined in article 2 of the National Minorities Act and article 11 of the Principles of Ukrainian Cultural Legislation. Under article 56 of the Education Act, teachers and educationalists must "instil in pupils and students an awareness characterized by a spirit of mutual understanding, peace and harmony between peoples and ethnic, national and religious groups".

61. The Government pays particular attention to the development of cooperation between national minorities. Representatives of national minorities jointly discuss and take decisions in a consultative body, the Council of Representatives of National Minority Social Associations, which reports to the State Committee on Nationalities and Migration (the lead executive body in the field of inter-ethnic relations). There are also consultative councils of national minority representatives reporting to local authorities. In Crimea there is an Association of Crimean National Societies and Communities, and a Confederation of National and Cultural Communities of Western Ukraine has been set up.

Article 2. Non-discrimination

62. Article 26, paragraph 1, of the Constitution states that aliens and stateless persons who are lawfully present in Ukraine have the same rights, freedoms and obligations as Ukrainian citizens, except as defined otherwise by the Constitution, laws or international treaties of Ukraine.

63. Under article 23 of the Aliens (Legal Status) Act, aliens may not vote or stand for election to State or self-governing bodies, nor may they participate in referendums.

64. Aliens are not liable for compulsory military service and are exempt from military service in the Ukrainian armed forces and other military formations established in accordance with Ukrainian law (article 24 of the Aliens (Legal Status) Act).

65. Aliens may not be appointed to certain positions or engage in certain activities if Ukrainian law specifies that such positions or activities are associated with the possession of Ukrainian citizenship (article 8, paragraph 4, Aliens (Legal Status) Act).

66. Article 12, paragraph 1, of the Citizens' Associations Act states that only Ukrainian citizens over 18 years of age may become members of political parties.

Article 3. Equality between men and women

67. Article 21 of the Constitution states that all people are free and equal in their dignity and rights. Human rights and freedoms are inalienable and inviolable.

68. Article 24 of the Constitution stipulates that citizens have equal constitutional rights and freedoms and are equal before the law. There shall be no privileges or restrictions based on race, skin colour, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics.

69. Equal rights for women and men are ensured (a) by providing men and women with equal opportunities in social, political and cultural life, education, vocational training, employment and remuneration for their work; (b) by special measures to protect women's occupational safety and health; (c) through pension benefits; (d) by creating conditions that enable women to combine work and motherhood; (e) by legal protection and financial and moral support for mothers and children, including paid leave and other benefits for pregnant women and mothers.

70. Article 34 of the Constitution guarantees everyone the right to freedom of thought and speech and the free expression of their views and beliefs. Everyone has the right freely to collect, store, use and disseminate information orally, in writing or by other means of their choosing.

71. Article 9 of the Information Act states that all citizens of Ukraine, legal persons and Government bodies enjoy the right to information, i.e. the opportunity freely to receive, use, disseminate and protect such information as they require to exercise their rights, freedoms and legitimate interests and carry out their duties and functions.

72. The exercise of the right to information by citizens, legal persons and the State should not violate the civil, political, economic, social, religious, environmental and other rights, freedoms and legitimate interests of other citizens, or the rights and interests of legal persons.

73. Every citizen is guaranteed free access to information which concerns them personally, except in cases where Ukrainian law specifies otherwise. Under article 54 of the Constitution, citizens are guaranteed freedom of literary, artistic, and scientific creativity, protection of intellectual property, copyrights, and moral and financial interests arising in connection with various types of intellectual activity.

74. Every citizen has the right to the fruits of their intellectual work or creative activity. No one shall use or disseminate these without the author's consent, except as stipulated otherwise by law.

75. The Ukrainian Government has adopted the following regulatory acts to ensure equality between the sexes:

Decision No. 244 of the Cabinet of Ministers (16 May 1992) on payment of special benefits to female agricultural workers with five or more children;

Decision No. 276 of the Cabinet of Ministers (26 May 1992) on measures to implement the Decision of the Verkhovna Rada on enhancing the social welfare of the population (29 April 1992);

Decision No. 431 of the Cabinet of Ministers (28 July 1992) on the long-term programme for the advancement of women and the family and the protection of mothers and children;

Decision No. 711 of the Cabinet of Ministers (14 October 1994) validating the list of professions for which women with appropriate training may enrol for military service;

Decision No. 381 of the Cabinet of Ministers (27 March 1996) on the programme for the period 1996-1998 exempting women from employment in industries involving heavy labour and hazardous environments and restricting night-work by women;

Decision No. 993 of the Cabinet of Ministers (8 September 1997) validating the National Action Plan for the advancement of women and the enhancement of their role in society in the period 1997-2000,

Presidential Decree No. 136-96 (20 February 1996) on the release from prison of certain categories of women and minors,

Decision No. 475-14 of the Verkhovna Rada (5 March 1999) on the Declaration of the General Provisions of Government Policy concerning Women and the Family

76. Under the Leave Act (No. 505/96 VR of 15 November 1996), the State guarantees women's right to take leave with a view to resuming work after officially certified disablement, and also for reasons connected with health-building, childcare, or the satisfaction of vitally important personal needs.

77. Decision No. 993 of the Cabinet of Ministers (8 September 1997) validates the National Action Plan for the advancement of women and the enhancement of their role in society in the period 1997-2000. The State Committee for Family and Youth Affairs, together with its local agencies, is the coordinating body for the implementation of the National Action Plan. A Coordinating Council for Women's Affairs and an Equal Opportunities Council (Gender Council) have been established under the State Committee and are now operational pursuant to Order No. 7/5 of 27 March 1997 and Order No. 82 of 9 March 1998, respectively, with the purpose of facilitating communication and cooperation between Government bodies and social institutions on women's issues.

78. With a view to implementing the National Action Plan, a draft Declaration of the General Provisions of Government policy concerning Women and the Family and a draft Outline for the Advancement of Women have been prepared. The Verkhovna Rada attaches particular importance to the role of women and the family in the country's political, economic and cultural development, which was why it adopted the Declaration on the General Provisions of Government Policy concerning Women and the Family on 5 March 1999. The draft of the Outline for the Advancement of Women has been submitted to the Verkhovna Rada.

79. In May 1998 a national congress was held on the theme "Women on the Threshold of the Twenty-First Century: Status, Issues, Paths to Social Development". The congress helped to galvanize the women's movement in Ukraine. A total of 300 delegates attended from all over the country. The congress split into 11 working groups, including one on the promotion of gender equality in Ukraine. The proposals made at the congress were also reflected in the instruction issued by the President of Ukraine following his participation in the work of the Ukrainian Women's Congress. In order to put this instruction into practice, the State Committee for Family and Youth Affairs collaborated last year with the various ministries concerned to draft a bill amending and supplementing the Ukrainian Criminal Code and Code of Criminal Procedure to better protect women against various forms of violence; this bill has been submitted to the Verkhovna Rada. In view of the special importance attached to the advancement of women and the family and the protection of mothers and children, and mindful of the proposals

made at the Ukrainian Women's Congress, a draft Government decision has been prepared on measures to strengthen the protection of mothers and children (Decision No. 1929 of the Cabinet of Ministers dated 4 December 1998).

80. Various conferences, seminars, and round tables are focusing on the status of women and identifying ways to address their problems. Thus, with the backing of the State Committee for Family and Youth Affairs, the international organization Zhinocha Hromada (Women's Community) has organized a seminar on gender equality in Ukraine during the transition period. A National Tripartite Conference on Women and the Labour Market in Ukraine was organized in 1998 in conjunction with the International Labour Organization (ILO). This conference focused on the problems of working and unemployed women, ways to overcome discrimination and enhance women's competitiveness, and international experience of resolving problems confronting women in the labour market.

81. A series of regional seminars attended by national social organizations has been held within the general framework of the ILO project on training and dissemination of information concerning the rights of female workers in Ukraine.

82. A publicity campaign is currently under way in Ukraine to prevent trafficking in women. With the financial and organizational support of the State Committee for Family and Youth Affairs and the international organization La Strada Ukraine, an international seminar has been held on identifying ways to prevent trafficking Ukrainian women. Seminars and training sessions are being organized along the same lines. Telephone hotlines and counselling services have been launched by regional social services for young people and women's social organizations.

83. Work has begun on organizing a network of institutions for women and girls who have been exposed to violence, including domestic violence. The first institution of this kind was opened in Kiev in summer 1998. There are plans to open four similar institutions in 1999 with the support of the State Committee for Family and Youth Affairs.

84. In May 1999 the State Committee for Family and Youth Affairs and the social organization League of Women Voters 50/50 held a series of round tables and seminars on preventing violence which were attended by representatives of the authorities and leaders of women's social organizations in Ukraine. The problems of violence against women were discussed in the context of the development of gender policy in Ukraine.

III. ISSUES RELATING TO SPECIFIC RIGHTS RECOGNIZED IN THE COVENANT

Article 6. Right to work

85. Everyone has the right to work, which includes the opportunity to earn a living by work which is freely chosen or accepted. The State creates conditions for the full realization of citizens' right to work, guarantees equal opportunities for choice of profession and type of work, and offers technical and vocational guidance and programmes to train and retrain personnel according to the needs of society (article 43 of the Constitution).

86. The State guarantees economically active persons of working age free choice of employment, the opportunity to change their profession or type of work; protection against unmotivated refusal to offer employment or unfair dismissal; and offers assistance in finding suitable work and employment opportunities according to vocation, capabilities, occupational training, and education, taking into account the needs of society and all available resources such as vocational guidance and retraining (Employment Act, article 4).

87. Official registration of unemployed persons in Ukraine was first introduced following the adoption of the 1991 Employment Act. Since then, the labour market has experienced two phases of development: before and after 1996. The initial phase was characterized by a low level of registered unemployment, a lack of information about the labour market as a whole and the extent of economic unemployment, and high contributions to the employment fund (3 per cent of the consumption fund). Despite the fact that gross national product fell by over 50 per cent (the average annual decrease in the period 1991-1995 was 10.5 per cent), the level of registered unemployment was low, just 0.3 per cent of the economically active population of working age. The reduction in the number of people in employment was not commensurate with the decline in output, which led to overstaffing in industry (hidden unemployment).

88. Since 1996 there has been a rapid increase in acknowledged and registered unemployment. The reorganization and restructuring of industry has precipitated lay-offs and resulted in an increased turnover of labour. The number of employees in all branches of the economy has fallen by 1.7 million since 1996. The number of lay-offs significantly exceeds the number of persons being offered employment. As a result of structural adjustments in industry and job cuts since 1996, over 1 million people have been made permanently redundant. Yet at the same time enterprises are retaining a substantial number of employees who are surplus to requirements. In 1998, for instance, 2.8 million people (24 per cent of the average number of people per payroll) were on administrative leave without pay. A total of 800,000 employees worked for no more than one month, and 2.2 million worked a shortened working day. Some 1,567.8 million man-hours of work-time were lost as a result of compulsory leave. The average duration of leave per worker on a nationwide basis was 561.3 hours (between 627 and 840 hours in manufacturing, construction, science and the arts).

89. Sampling of households using internationally recognized techniques shows that the total rate of unemployment in Ukraine in October 1995 was 5.6 per cent of the economically active population. In October 1998 the total had increased to 11.3 per cent, and by March 1999 it was 14.7 per cent.

90. In the area of social policy, the Government's strategy is defined in Presidential Decree No. 1166/97 on the main objectives of social policy for the period 1997-2000 (18 October 1997). The Decree aims to establish specific mechanisms to implement the principles of a socially oriented economy and enhance the effectiveness of a social policy based on sound management of available material and financial resources. The overriding aim of social policy is to ensure full and productive employment for all, improve the quality and competitiveness of the labour force, and alleviate the social consequences of unemployment.

91. Government employment policy takes account of international standards. In line with the provisions of the Employment Act, it is based on the principle of the equal rights and opportunities of all citizens, regardless of their origin, social and property status, race, nationality, sex, age, political views, or attitude to religion, freely to choose their profession according to their capabilities and vocational training, with allowances made for their personal interests and the needs of society.

92. The main objectives of government employment policy are to introduce a package of interrelated measures in the investment, technical, financial and social spheres, to improve the structures and techniques of vocational training and retraining of personnel, to enhance the mobility of the labour force, and to establish a civilized labour market and reliable social protection against unemployment.

93. In order to implement this policy and ensure that citizens enjoy social protection against unemployment as guaranteed by the Constitution, a State employment service has been established and has been operating since 1991. All persons of working age are guaranteed to receive assistance from the State employment service depending on their situation in the labour market and their capabilities, skills and education.

94. The number of citizens who make use of this agency's services is growing every year. In 1998 there were 2,036,700 people on the books of the State employment service. Of these, 390,600 were placed in work and 606,800 were removed from the register for various reasons. At year end, there were 1,039,300 people on the books, of whom 1,003,200 were unemployed. The rest were actively seeking work (for a period of seven days prior to acquisition of unemployed status).

95. Of the total registered unemployed population, women accounted for 56.2 per cent and young people aged under 28 for 37.1 per cent. One in four persons registering with the employment service had been out of work for various reasons for more than a year. Of the total number of unemployed on the agency's books, 11 per cent had a completed higher education, 21 per cent had a basic education, 30 per cent had a vocational or technical education, 30 per cent had a completed secondary education, and 6 per cent had a primary or basic general education.

96. In 1998, a total of 34,000 general secondary school-leavers with no vocational training registered with the employment service. Of these, 8,900 were successfully placed in jobs and 11,500 underwent vocational training funded by the agency.

97. As of 1 January 1999, unemployment averaged 3.69 per cent nationally. By region, it ranged from 0.74 per cent in Kiev to 7.18 per cent in Ivan Franko oblast. In some towns and districts the labour market situation was even more difficult - in 66 employment centres the rate of registered unemployment was between 8 to 19.5 per cent.

98. The labour market situation is particularly difficult in districts and population centres dependent on a single industry. In these locations the restructuring of one or a number of

enterprises has left a significant proportion of the population out of work. This category includes the cities and districts of Dnepropetrovsk, Kharkov, Sumy, Chernigov, Kiev and certain other oblasts, where unemployment is running at over 14 per cent.

99. The situation is also deteriorating in regions affected by mine closures. Under the Programme for the Closure of Underground and Opencast Mines up to the Year 2000, it is proposed to lay off some 54,000 miners. Approximately 33,000 miners have been laid off since the start of the closure programme. The unemployment rate in some mining towns and population centres in Volhynia, Donetsk and Cherkassy oblasts was between 6.8 and 11.1 per cent at the beginning of 1999.

100. Despite the substantial increase in registered unemployment among the rural population (3.08 per cent), unemployment in urban areas (3.87 per cent) remains higher in all regions, except in Zakarpatye, Ivan Franko and Lvov oblasts.

Employment and unemployment
(at year end, in thousands)

	1994	1995	1996	1997	1998
Total unemployed registered at end of period, of whom:	822	1 269	3 511	6 371	1 003 300
Women	598	922	2 358	4 165	6 204
Young people under 28	296	474	1 188	1 972	3 191
Employment benefit recipients, of whom:	478	744	2 146	3 616	5 328
Women	354	563	1 481	2 394	3 252
Young people under 28	149	270	738	1 143	1 787
Unemployment rate as percentage of economically active population	29	46	127	233	369

101. Approximately 1,396,300 people were looking for work through the employment service in the first quarter of 1999, which is 4.8 times the number of job-seekers during the same period in 1994. Of this total, 60.3 per cent were women (as opposed to 62.1 per cent in 1994), 32.2 per cent were young people (40.1 per cent in 1994), 0.1 per cent were disabled people (0.2 per cent in 1994), and 1.9 per cent were elderly. In the first three months of this year over 89,600 people were placed in employment, including 39,100 women (43.5 per cent of the total number who found work through the employment service), 37,800 young people (42.2 per cent), and 1,000 elderly people (1.1 per cent).

102. On 1 April 1999 a total of 1,099,900 people had unemployed status; 60.8 per cent were women, 31.6 per cent were young people aged under 28, and 1.9 per cent were elderly (men aged 58 and over, women aged 53 and over).

103. Between January and May 1999 there were over 1.6 million job-seekers registered at employment centres. On 1 June registered unemployment was running at an average of 4.06 per cent of the economically active population of working age. It is expected that almost 3 million people will register as unemployed by the end of 1999, and preliminary forecasts indicate that in 2000 this figure could rise to approximately 4.5 million with a level of registered unemployment of 7 per cent.

104. Every year sees an increase in the number of jobless and unemployed citizens benefiting from the Government's proactive employment policy. In 1998 the number of people matched to available vacancies by the employment service jumped nearly 30 per cent compared to 1997. Meanwhile, the proportion of successful placements rose from 8.6 per cent in 1995 to 20.3 per cent in 1998. In that year more than 1.8 million citizens benefited from occupational advisory services provided by the employment service, 3.7 times more than in 1997. Vocational training for jobless citizens is offered in more than 200 occupations and professions for which there is a demand on the labour market. In 1998 a total of 105,200 jobless and unemployed persons benefited from training, refresher courses and skills enhancement, almost double the figure for 1997. In addition, over 25,000 people received training in occupations and professions that equipped them to become self-employed and open their own business; over half found work in the small-business sector. The sphere of voluntary work has expanded considerably in terms of both variety and structure. In 1998 over 180,000 people did voluntary work of some kind, including schoolchildren, students, employees on unpaid leave, pensioners and others.

105. The scale of employment fund subsidies for voluntary work has increased; it is planned to allocate HRV 6 million to this sector in 1999.

106. Mindful of the problems facing deported citizens, the employment service is paying special attention to this group by matching them to available vacancies and providing a social safety net. According to statistics compiled by the Main Administration of the Ministry of Internal Affairs, the total population of Crimea includes 253,800 deportees. As of 1 April 1999, there were 65,700 Crimean Tatar families registered to addresses in Crimea. Of 135,900 economically active Crimean Tatars, 78,400 (57.7 per cent) are employed in various sectors of the economy, which is in line with the overall level of employment among the economically active population of Crimea.

107. In order to create the social, economic and organizational conditions to slow the rise in unemployment, regulate the labour market and provide a social safety net for the unemployed, the Ukrainian Government is preparing and ratifying appropriate programmes.

108. National economic and social development programmes are adopted annually. Work has begun on a State programme to develop Ukraine's labour resources, which will outline a series of measures to enhance the output of labour resources, the quality of the workforce, and job quality. The coordination of employment initiatives with other economic and social policy objectives is provided for in the Employment Programme.

109. Based on the main principles of economic and social policy defined by the Verkhovna Rada and the Cabinet of Ministers' Action Plan, an Employment Programme for the period 1997-2000 has been adopted to meet the medium-term objectives of developing the

labour market and implementing State employment policy in Ukraine. It makes provision for Government policy priorities in the labour market and proactive State regulation to ensure an optimum level of employment and a balance of supply and demand in the labour market. Local authorities ensure the effectiveness of Government employment measures by ratifying appropriate regional employment programmes which take account of the specific features of each region when tackling employment-related issues.

110. Special programmes are being devised to alleviate the social consequences of lay-offs at enterprises which are in the throes of restructuring. A programme to create jobs in the wake of underground and opencast mine closures has been adopted by the Ministry of the Coal Industry in order to create 43,000 new jobs for miners and members of their families. A job-placement programme is being elaborated for workers who have been laid off as a result of the restructuring of the Krivoi Rog basin ore-mining and smelting complex in Dnepropetrovsk oblast. In nearly every oblast of Ukraine restructuring programmes are being elaborated for individual enterprises.

111. In order to stabilize regional labour markets in the light of the difficult demographic situation and the considerable strain on the labour market as a whole, the Government is creating special economic zones and encouraging an investment drive. These efforts are designed to intensify investment in priority sectors of industry and create an alternative source of employment for laid-off workers. There are now more than 10 such zones in Ukraine.

112. The Regulations on the procedure for reserving jobs in enterprises, organizations and institutions for citizens requiring social protection defines modalities of setting aside jobs at enterprises "for citizens at an unfair disadvantage in the labour market".

113. In 1998 a total of 177,300 jobs were reserved at Ukrainian enterprises, organizations and institutions for socially disadvantaged categories of citizens. Of these, 49,500 jobs were for women with children under 6 and single mothers raising children under 14; another 98,700 were for young people, including orphans; and 12,500 vacancies were set aside for persons nearing retirement age. A total of 10,800 people were placed in these jobs, including 3,800 women, 10,600 young people and 500 elderly people.

114. A total of 147,700 vacancies have been set aside for 1999, and during the first quarter of 1999 some 10,800 people found work under this scheme. The policy of setting aside jobs in enterprises "for citizens at an unfair disadvantage in the labour market" does not detract from the objective of securing maximum efficiency of output.

115. The social protection measures to combat unemployment provided for in the Employment Programme are funded from the State Employment Assistance Fund, set up in 1991. The Fund's capital is made up of mandatory employer and employee contributions, payable since 1997 under the Mandatory Social Insurance Contributions Act. The Act fixes this contribution at 1.5 and 0.5 per cent for employers and employees respectively. Total outlays for Employment Programme funding are determined each year by the Verkhovna Rada when it approves the State budget (since 1996 the Employment Fund has been part of the State budget). The Employment Fund currently lacks sufficient resources to regulate the labour market in conditions of rising unemployment. In 1998,

total Employment Fund receipts in terms of GNP structure were 0.44 per cent, or almost 5-10 times less than in countries with a developed market economy.

116. The Government is taking specific steps to improve the social welfare system for the unemployed. In 1997 amendments were made to the Employment Act to increase the level of social protection available to the unemployed. A bill on compulsory State unemployment insurance has been drafted which envisages an overhaul of the unemployment benefits system, a social safety net for part-time workers and a new structure for the administration of insurance funds.

117. The right freely to choose one's line of work (an activity not prohibited by law) is guaranteed by the Ukrainian Constitution (arts. 42 and 43), the Code of Labour Laws (arts. 2, 2-1, 5-1 and 22), the Employment Act (arts. 1 and 8), and other legislative acts.

118. Under the Code of Labour Laws (art. 5-1), economically active citizens who reside permanently in Ukraine are guaranteed free assistance from the State employment service in recruitment for suitable work and job-placement in accordance with their vocation, capacities, occupational training and education.

119. Under article 9 of the Employment Act, citizens seeking work through the State employment service may also receive free vocational guidance, advice and information on choosing a type of work, occupation, workplace and working arrangements.

120. Article 2 of the Employment Act sets out the conditions for granting unemployed status to citizens who register with the employment service (bearing in mind that not all job-seekers wish to register), and articles 26, 28 and 29 define the procedure for paying unemployment benefit to people registered as unemployed.

121. Article 26 stipulates that, with effect from 1 January 2000, persons whose employment contract was terminated by an employer or his authorized agent owing to the restructuring of production or labour (meaning the closure, reorganization or conversion of an enterprise, organization, or institution, staff cuts or redundancies); or members of the armed forces discharged from military service without pension rights as a result of cutbacks, provided they register with the employment service within seven calendar days of their dismissal, are guaranteed (like job-seekers) a benefit equal to 100 per cent of their average earnings at their last place of employment for 60 calendar days, 75 per cent for the next 90 calendar days, and 50 per cent for the next 210 calendar days, but in any case no more than the average wage for the relevant sector of the economy and no less than the statutory minimum wage.

122. This category also includes people who, having lost their job as a result of mandatory or self-imposed resettlement from a radioactive contamination zone, have registered as job-seekers with the employment service within one month of leaving their previous employment.

123. The guarantees contained in this article also apply to citizens who have lost their job as a result of an industrial accident or an occupational disease.

124. Ordinary registered job-seekers are entitled to the following benefits under article 29:

> No less than 50 per cent of their average earnings in their previous employment, but no more than the average wage rate for the relevant sector of the economy and no less than the statutory minimum wage, if in the 12 months prior to the start of unemployment the individual worked for at least 26 calendar weeks. In all other cases, no less than the statutory minimum wage.

125. The time frame and duration of benefit payments are set forth in article 28 of the Act. Benefits are payable from the eighth day following registration until placement in employment, but for no more than 360 calendar days over two years. For persons approaching retirement age (57 for men, 53 for women), the payment period is extended to 720 calendar days, and for citizens wishing to re-enter employment after a lengthy interruption (over six months), benefit is payable for no more than 180 calendar days.

126. Under article 30 of the Act, unemployment benefit may be deferred or suspended for up to three months (a) if under existing procedures an individual received a termination allowance or other payment at the time of severance, (b) if the previous employment was terminated by an individual without good reason, under article 40, paragraphs 3, 4, 7 and 8, and article 41 of the Code of Labour Laws, (c) if an individual fails to comply with the recommendations of the employment service, (d) if an individual refuses to accept two suitable positions, etc.

127. Upon expiry of the period during which unemployment benefit is payable, a citizen may obtain supplementary unemployment benefit for 180 calendar days at a rate equal to 75 per cent of the statutory minimum wage on condition that the average monthly aggregate income per family member does not exceed the statutory tax-free minimum income (art. 31).

128. The Government has adopted a decision increasing the minimum unemployment benefit from HRV 16.6 to HRV 25 with effect from 1 May 1999.

Article 7. Right to just and favourable conditions of work

129. The minimum wage is the statutorily defined wage for basic unskilled labour below which the monthly or hourly rate of remuneration must not fall. The minimum wage is a State safety net that is binding on all enterprises and businesses, irrespective of their form of ownership, throughout Ukraine (article 3 of the Remuneration for Work Act).

130. Article 9 of the Remuneration for Work Act stipulates that, in determining the level of the minimum wage, account shall be taken of the monetary value of the minimum consumer budget, the overall level of average earnings, labour productivity, the level of employment and other economic factors. The minimum wage is set at a level no less than the poverty threshold expressed in money terms.

131. However, owing to the difficult economic situation in the country, the minimum wage still does not reflect this reality. The Government is taking steps to align these indicators as the economy stabilizes and develops. During the last three years the minimum wage has increased almost fivefold and is now nearly 50 per cent of the average wage. The minimum wage is

currently 82 per cent of the poverty threshold expressed in money terms; as of 1 January 1999 it was HRV 74 a month. In May 1999 the average wage was HRV 168.87. Average and minimum wage trends between 1990 and 1998 are shown in annex 2 below.

132. Under existing legislation, the minimum wage is essentially the basic wage of the unskilled worker. The addition of supplementary payments, allowances, and incentives, which make up 30 per cent of the average wage, yields a purchasing power equal to that of workers at the current poverty threshold expressed in money terms.

133. The minimum wage is determined on the basis of (a) the monetary value of the minimum consumer budget with subsequent alignment of these indicators as the national economy stabilizes and develops; (b) the overall level of average earnings; (c) labour productivity, the level of employment and other economic factors. The minimum wage is set at a level no less than the monetary value of the poverty threshold per economically active individual.

134. The level of the minimum wage is determined by the Verkhovna Rada in conjunction with the Cabinet of Ministers, normally once a year when the State budget is approved. Due consideration is given to proposals resulting from negotiations between trade-union and employer representatives or delegated bodies which meet to bargain collectively and conclude an industry-wide agreement.

135. The level of the minimum wage is reviewed in the light of increases in the index of consumer prices and cost of services with the consent of the parties to the collective bargaining process (articles 9 and 10 of the Remuneration for Work Act).

136. During the changeover to a market economy, the Ukrainian population has experienced a significant decline in its standard of living: real earnings and effective demand have declined, savings have become worthless, the volume and quality of consumption has fallen, earnings differentials have widened, and the bulk of the population has become impoverished.

137. The rate of decline in real wages since 1992 compared to the previous year mirrors inflation (in 1992 the consumer price index was 1,658.2 per cent compared to the previous year; in 1995 it was 476.8 per cent and in 1998 - 110.5 per cent).

138. The principal source of information about the population's standard of living is the survey of household budgets. The number of citizens with an average per capita income below the poverty line is increasing, which means that the middle class is shrinking (in 1998, the average gross monthly income of 14.4 million people or 28.5 per cent of the population was below the defined poverty threshold).

139. The income structure of the population has changed noticeably of late, which has led to changes in the structure of gross household income and correlates with the development of entrepreneurial activity and denationalization. A comparison of the structure of average per capita gross income in 1998 and 1990 shows that the proportion of receipts from earnings fell by a factor of 1.5, whereas the proportion of receipts from private ancillary holdings and other sources increased by factors of 2.6 and 2 respectively.

140. The pattern of expenditure of aggregate household income in recent years has tended towards increased outlays on food and payment for services at the expense of non-food items (compared to 1990, expenditure on food has gone up by a factor of 1.8, whereas expenditure on non-food items has almost halved).

141. There is a marked difference in the way that urban and rural households spend their aggregate household income. Whereas in 1990 urban households spent 32 per cent of their income on food, 33.1 per cent on non-food items and 9.1 per cent on services, the corresponding figures for rural households were 35.1, 25.1 and 4.3 per cent. In 1998 the same indicators were 49.2, 16.6 and 18.3 per cent for urban households and 69.5, 15 and 6.7 per cent for rural households.

142. The amount households spend on payment for services has increased by a factor of 1.6 since 1990, which is chiefly an indication of the rising cost of housing and communal services. These costs have risen by a factor of 2.6 (for urban households, the cost has tripled), and transport costs have increased by a factor of 1.4. Meanwhile expenditure on cultural pursuits and entertainment has been cut back.

143. The number of children in a given household is another factor contributing to low average per capita income, particularly in rural areas.

144. A number of indicators reveal that families, children and young people are continuing to experience poor quality of life; this is a public health problem which necessitates special countermeasures. The unemployed population includes increasing numbers of young people under 30 and women of working age, two categories which are particularly at risk of falling below the poverty threshold.

145. Workplace hygiene in Ukraine is guaranteed by the 1992 Employment Protection Act, the 1994 Hygiene and Epidemiological Welfare Act, the 1993 Fire Safety Act, the Pesticides and Agrochemicals Act, relevant decisions of the Cabinet of Ministers, standards and rules concerning sanitation, hygiene regulations, and intersectoral and sectoral State health and safety regulations.

146. Safe and healthy working conditions are being established at all enterprises, institutions and organizations. It is the responsibility of the employer or his designated agent to ensure safe and healthy working conditions. The employer or his designated agent must install modern safety equipment designed to prevent occupational diseases (article 153 of the Code of Labour Laws).

147. All employers must provide their employees with mandatory social insurance against industrial accidents and occupational disease (Employment Protection Act, article 8, paragraph 1).

148. The law applies to all enterprises, institutions and organizations irrespective of their form of ownership and the nature of their business, and to all citizens employed or recruited to work at such enterprises. Given the prevailing economic difficulties, many provisions in laws designed to ensure that workers' lives and health take priority over industrial output are ineffective.

149. One in six or seven employees works in conditions that fail to meet requisite standards of health and hygiene. Less than half of all workers are provided with individual protection. A majority of employers often regard workplace health and safety as a minor issue. In attempting to boost their earnings, employees fail to comply with safety requirements. Existing legislation does not regulate employment protection for the self-employed or entrepreneurs who do not use wage labour.

Injury statistics

	Indicator	1988	1993	1998
1	Number of accidents	111 900	111 600	50 900
	of which fatalities	2 601	2 334	1 551
2	Frequency No. of accidents x 1 000 average number of persons per payroll	51	56	34
3	Seriousness Number of man-days lost to disability Number of accidents	241	247	289

Industrial injuries

	1985	1990	1995	1996	1997	1998
'000						
Number of injuries involving disability for more than one working day, including fatalities	1 303	1 396	805	648	545	509
of which fatalities	30	26	21	18	16	15
Number of man-days lost to disability	2 874	3 182	2 122	1 782	1 527	1 468
per '000 employees						
Number of injuries involving disability for more than one working day, including fatalities	55	62	45	38	35	34
of which fatalities	126	117	116	109	99	102
Number of man-days lost to disability	1 216	1 407	1 182	1 057	967	991
per injury						
Number of man-days lost to disability	22.0	22.8	26.4	27.5	28.0	2

150. In addition, 4,500 employees were partially disabled and transferred from their principal activity to other duties for one working day or longer.

151. In 1998 there were three times more industrial injuries per 1,000 employees than agricultural injuries, and in the construction sector injuries exceeded the number of agricultural injuries by a factor of 1.8.

152. A total of HRV 805.6 or HRV 54 per employee was spent on employment protection measures in 1998.

Article 8. Trade union rights

153. Ukraine is a party to the International Covenant on Civil and Political Rights, the International Labour Organization (ILO) Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organise, 1948, and the Convention (No. 98) concerning the Application of the Principles of the Right to Organize and to Bargain Collectively, 1949.

154. Trade union rights in Ukraine are guaranteed by the Constitution, the Citizens' Associations Act, the Collective Contracts and Agreements Act, the Collective Labour Disputes and Conflicts (Settlement Procedure) Act, and the Code of Labour Laws.

155. In June 1999, the Verkhovna Rada also adopted the Trade Unions (Rights and Guarantees) Act, which is awaiting the President's signature.

156. The right to strike is an important guarantee of the protection of citizens' collective, economic and social rights and interests. Article 44 of the Constitution states that all employed persons have the right to strike to protect their economic and social interests. The procedure for exercising the right to strike is outlined in the Collective Labour Disputes and Conflicts (Settlement Procedure) Act, adopted by the Verkhovna Rada on 3 March 1998.

157. No one may be compelled to participate or be prevented from participating in a strike. Strikes may only be prohibited by law. The Collective Labour Disputes and Conflicts (Settlement Procedure) Act states that a strike is a method of last resort for the settlement of labour disputes and conflicts (when all other possibilities have been exhausted) following the refusal by an employer or his authorized agent or representative to meet the demands of employees or their authorized agent, trade union, trade union association, or authorized agent thereof.

158. Restrictions on strike action are listed in the Collective Labour Disputes and Conflicts (Settlement Procedure) Act, article 24 of which stipulates that a strike is prohibited if a work stoppage would endanger life, health, or the environment, or interfere with the prevention of natural disasters, accidents, epidemics, epizootics or management of the consequences thereof.

159. Employees of the procuratorial system, the courts, the Ukrainian armed forces, Government bodies, and agencies responsible for State security and law and order are not permitted to strike (except technical and service personnel).

160. When a state of emergency has been declared, the Verkhovna Rada or the President may prohibit strikes for a period not exceeding one month. The prohibition of strikes for a longer period must be approved by a joint act of the Verkhovna Rada and the President. When martial law has been declared, strikes are automatically prohibited until martial law has been lifted.

161. In addition, the Act states that a strike is deemed illegal:

(a) If the strike aims to change the constitutional system, State borders or administrative and territorial structure of Ukraine, or if the strikers' demands violate human rights;

(b) If the strike has been called by employees, a trade union, an association of trade unions or the authorized agents thereof in violation of the provisions of the Collective Labour Disputes and Conflicts (Settlement Procedure) Act concerning the procedure for examining labour disputes and the procedure for organizing and holding strikes;

(c) If the strike is called or held while conciliation procedures established by law are still in progress.

162. The Government has imposed no restrictions on the exercise by trade unions of the right to form federations and join international trade union organizations. These rights are exercised by the trade unions themselves without Government interference.

163. There are no statutory rules restricting the rights of trade unions to operate freely. Articles 22-24 of the State of Emergency Act adopted by the Verkhovna Rada on 26 June 1999 stipulate that certain measures which restrict the rights and freedoms of citizens, social organizations and entrepreneurs may be enacted during a state of emergency. These include: (a) prohibition of strikes; (b) suspension following appropriate warning of the operation of political parties, social organizations, mass movements and voluntary associations of citizens, if their activities impede the normalization of the situation.

164. Article 31 of the Citizens' Associations Act states that in order to curb illegal activity by an association of citizens pursuant to an application from a certifying body or a procurator, a court may provisionally prohibit certain kinds of activity or the operation of an association of citizens for up to three months.

165. Under article 36 of the Ukrainian Constitution, "citizens have the right to join trade unions in order to protect their labour and socio-economic rights and interests. Trade unions are social organizations that unite citizens bound by common interests according to the nature of their occupational activity. Trade unions are formed without prior permission on the basis of the free choice of their members".

166. Article 8 of the Citizens' Associations Act states that interference by Government bodies and officials in the activities of citizens' associations is unlawful, except in circumstances defined by law.

167. Trade-union membership is voluntary. Workers are admitted to a trade union on an individual basis upon request at a branch meeting, or otherwise at a meeting of the shop floor or some other local organizational unit. Any worker who accepts the rules of the trade union, pays dues and takes part in the work of a local trade-union organization is eligible for membership.

168. Trade unions operate in accordance with rules which they themselves adopt. Trade unions are formed to represent, realize and protect the labour, socio-economic and other rights, freedoms and interests of their membership.

169. The largest association of trade unions in Ukraine is the Federation of Trade Unions of Ukraine, established as a voluntary society for coordinating the efforts of trade unions (or associations thereof) in order to articulate and protect the economic, social, labour, legal and spiritual interests of their membership. The Federation of Trade Unions of Ukraine currently has 69 member organizations, including 41 sectoral trade unions and 26 regional trade-union associations. There are 16.6 million trade unionists belonging to 133,000 local organizations. The Federation's member organizations have complete freedom of action and operate in accordance with their own rules and the decisions of elective bodies.

170. There are approximately 30 other trade unions and trade-union associations which exist outside the framework of the Federation of Trade Unions of Ukraine. The largest of these, in terms of membership, are the National Confederation of Trade Unions of Ukraine (3.6 million members); the Union of Railway Workers and Transport Engineers (723,000 members); the National Independent Workers' Trade-Union Association (261,000 members); the Ukrainian National Labour Confederation (220,000 members); the "Our Right" National Federation of Trade Unions (208,000 members); the Union of Ukrainian Armed Forces Workers (164,000 members); the Amalgamated Trade Unions of Ukraine (120,000 members); the Ukrainian Federation of Trade Unions of Cooperative Workers and Workers in Other Forms of Enterprise (116,000 members); the Association of Independent Trade Unions of Ukraine (91,000 members); and the Ukrainian Union of Inland Revenue Service Workers (66,800 members).

171. There are no special legal provisions regarding the formation of trade unions by particular categories of workers. Unions may be formed without prior permission by the free choice of their members. All trade unions have equal rights.

172. Ukrainian law and trade-union rules place no restrictions on workers' rights to join and form trade unions.

173. The Trade Unions (Rights and Guarantees) Act adopted by the Verkhovna Rada stipulates that particular aspects of the implementation of this law in the Ukrainian armed forces (in respect of military personnel), internal affairs agencies and the national security service shall be dealt with by relevant statutes.

174. Article 18 of the Militia Act stipulates that militia officers have the right to form trade unions. Under article 5 of the Military Personnel and Family Members (Social and Legal Protection) Act, military personnel have the right to form their own social associations. There is currently a trade union for performance-evaluated employees of the internal affairs agencies, and there are two trade unions for military personnel. The restrictions on the right to strike by persons belonging to the armed forces, militia officers and State officials are explained in paragraphs 153-164 above.

175. Since the submission of the previous report, the Verkhovna Rada has adopted the Collective Labour Disputes and Conflicts (Settlement Procedure) Act and the Trade Unions

(Rights and Guarantees) Act, both of which are awaiting the President's signature. Pursuant to Presidential Decree of 17 November 1998, a National Mediation and Conciliation Service has been established, together with five regional departments.

176. In 1998 a total of 98,710 workers at 687 enterprises and organizations took part in industrial disputes (strikes). In the first half of 1999 there were 100 industrial disputes involving 25,994 workers.

177. In its concluding comments, the Committee on Economic, Social and Cultural Rights expressed concerns that the formation of trade unions was prohibited in a number of sectors and areas where wage labour was the norm, for example civil aviation and communications. But no such prohibition is envisaged under Ukrainian law. A number of long-established unions have been operating in these sectors; there are trade unions for aviation workers, civil aviation flight personnel, air traffic controllers, and communications workers.

Article 9. Right to social security

178. In order to raise the level of social security available to the population, increase motivation at work and enhance the personal responsibility of workers and employers for building up the assets of insurance funds, the Ukrainian social insurance system is currently being reformed.

179. The Verkhovna Rada has approved an Outline for Social Insurance for the Population of Ukraine and has elaborated and adopted the Principles of Compulsory National Social Insurance Legislation. The Outline and the Principles will be implemented by devising an array of legislative and regulatory acts to redistribute responsibility between the State, entrepreneurs and citizens (whose interests are represented by trade unions).

180. At the heart of the reform of the social security system lie certain basic principles such as (a) solidarity and subsidies; (b) differentiation of financial responsibility for building up the assets of insurance funds; (c) State guarantees that insured citizens may exercise their rights; (d) targeting of the resources of compulsory national social insurance.

181. The Principles of Compulsory National Social Insurance Legislation envisage:

(a) The introduction of five separate types of compulsory national social insurance (pension insurance; temporary invalidity insurance and insurance to offset childbirth and funeral expenses; medical insurance; unemployment insurance; and insurance against industrial accident and occupational illness), and the provision for each of a special insurance fund to cater more effectively to the specific social security needs of individual groups of the population;

(b) The determination of categories of people liable to compulsory national social insurance;

(c) The provision of State guarantees for the protection of the rights and interests of citizens who are entitled to receive a pension or benefit from social services, and material assistance in the case of permanent or temporary disability, unemployment, childbirth, childcare for infants and toddlers, family illness, death of a contributor or a contributor's family member, etc.

182. Each special insurance fund will operate on the basis of contributions made by employers and employees (with the exception of insurance against industrial injury and occupational illness, for which only employers make contributions).

183. The size of contributions to each category of compulsory national social insurance, depending on type, will be established annually by the Verkhovna Rada (separately for employers and insured persons in respect of each category of insurance) for the forthcoming calendar year (expressed as a percentage) when the State budget is approved.

184. The social security system will be administered on the basis of the joint interests of the insured persons, employers and the State. The special insurance funds will be administered on a tripartite basis by an equal number of delegated representatives of trade unions, employers and the State. This means that the administration of the social insurance system should generate consensus of its own accord. Instead of administering the insurance funds directly, the State is delegating its functions to its social partners, which will ultimately help to strengthen the State itself.

185. The specific mechanisms for administering each category of compulsory national social insurance in Ukraine must be established by law. Various bills are currently being drafted and considered by the Verkhovna Rada, for example on compulsory national pension insurance, compulsory national temporary invalidity insurance and insurance to offset childbirth and funeral expenses, compulsory national unemployment insurance, and compulsory national insurance against industrial accident and occupational illness. A bill on national medical insurance is being considered by the Cabinet of Ministers.

186. The amount of material assistance provided for under the above-mentioned bills depends on the length of the contributory (working) period, the level of earnings (which serves as a basis for calculating insurance contributions), and the extent of disablement.

187. The national insurance system will be reformed gradually in the light of the overall economic situation in Ukraine. During the initial phase, given the limited resources available, a range of measures is planned to halt the decline in the standard of living and the level of social protection of the population.

188. The most important of these measures are:

(a) The adoption of legislative acts covering all categories of compulsory national social insurance;

(b) The disbursement of pensions, benefits and other payments relating to all categories of social insurance currently in arrears, and an effort to prevent this situation from recurring;

(c) The streamlining of existing benefits and allowances paid out of insurance funds;

(d) Preparatory work to establish State- and local-budget based social insurance funds that have no connection with a worker's employment and insurance payments;

(e) Preparatory organizational work to introduce personalized insurance contribution records.

189. Once the economy has stabilized, the planned second phase will involve:

(a) The establishment of a regulatory and legal framework for the introduction of compulsory national social insurance;

(b) The gradual alignment of the benefits payable in each insurance category with social norms to be based on the subsistence standard;

(c) The introduction of additional non-State categories of insurance;

(d) The improvement of the administration of social insurance funds;

(e) The transfer of social pensions and benefits into the social assistance programme, payable from State and local budgets;

(f) The introduction of personalized insurance contribution records for the various categories of compulsory national social insurance.

190. Once the economy has recovered, the planned third stage will involve:

(a) The provision of payments and benefits for the population at a level not below minimum social norms and standards;

(b) The transition to the full-scale implementation of legislative provisions concerning compulsory national social insurance.

191. Reform of the social insurance programme should promote a higher standard of living for the population and thus strengthen social stability and consensus.

192. Ukraine has a programme of benefits to cover temporary invalidity (sickness), pregnancy and childbirth, maternity, funeral expenses, treatment at a sanatorium or resort, and restorative holidays, all of which are payable from the National Insurance Fund.

193. The procedure for payment and establishment of benefits in connection with temporary invalidity, pregnancy and childbirth, maternity, funeral expenses, treatment at a sanatorium or resort, and restorative holidays is dealt with under existing legislation and other regulatory acts.

194. Temporary invalidity benefits payable in the event of sickness are awarded in accordance with the Regulations on the Procedure for Payment of National Social Insurance Benefits, ratified by Decision No. 13-6 of the Presidium of the All-Union Central Council of Trade Unions (12 November 1984) with relevant amendments and additions, i.e. in accordance with the legislation of the former Soviet Union.

195. The award and payment of benefits in connection with pregnancy and childbirth, maternity, childcare for toddlers under three, and temporary inability to work on the grounds of caring for a sick child under the age of 14 are provided for under the State Family and Child Benefits Act of 21 November 1992 and the Regulations pursuant to this Act.

196. A funeral allowance is payable in accordance with the decision of the Cabinet of Ministers and the procedure for award of this allowance as ratified by a number of ministries and departments.

197. The Chernobyl Accident (Status and Social Protection of Affected Persons) Act, the Military Personnel and Family Members (Social and Legal Protection) Act, the War Veterans (Social Welfare Guarantees) Act, and the Social Welfare Basic Provisions (Labour Veterans and Other Elderly Citizens) Act contain regulations on the award of temporary invalidity assistance to certain categories of citizens.

198. Benefits connected with temporary invalidity, pregnancy and childbirth, maternity, and funeral expenses are payable at the beneficiary's place of work (or place of study in the case of students).

199. Temporary invalidity benefit payable in the event of sickness varies according to total length of service. It is assessed at the following rates:

(a) 100 per cent of the average wage (income) for workers with eight or more years' service;

(b) 80 per cent of the average wage (income) for workers with between five and eight years' service;

(c) 60 per cent of the average wage (income) for workers with less than five years' service.

200. Temporary invalidity benefit is assessed at a rate of 100 per cent regardless of length of service for the following categories:

(a) Persons unable to work because of industrial injury or occupational illness;

(b) Workers with three or more dependent children aged under 16 (under 18 for children in full-time education);

(c) War veterans and associated categories;

(d) Category 1-4 workers affected by the Chernobyl accident;

(e) A parent or guardian who is caring for a child under 14 and was affected by the Chernobyl accident (including treatment at a sanatorium or resort);

(f) Wives (husbands) of military personnel, except personnel on fixed-term military service;

(g) Workers formerly categorized as orphans or children lacking parental care.

201. The allowance paid to people who are temporarily unemployable because they are caring for a sick child under the age of 14 is assessed at the following rates:

(a) 100 per cent of the average wage (income) for persons who have worked for eight years or more, workers formerly categorized as orphans or children lacking parental care; and persons under the age of 21 with a total of up to five years' work experience.

(b) 80 per cent of the average wage (income) for workers with a total of between five and eight years' service;

(c) Sixty per cent of the average wage (income) for workers with a total of up to five years' service.

202. In calculating temporary invalidity benefit, with the exception of cases involving industrial injury, occupational disease, and category 1 and 2 workers affected by the Chernobyl accident, the actual wage used as a basis for the calculation does not exceed an amount equal to double base pay (salary).

203. Benefits are payable as a lump sum, without a qualifying period, for up to four months. A childcare allowance for working parents is payable for a period not exceeding 14 days at a time.

204. Temporary invalidity benefits account for approximately one half of all outlays of the National Insurance Fund's budget.

205. Pregnancy and childbirth benefit is assessed at a rate of 100 per cent for a period of 126 calendar days (in the event of complications during birth, or the birth of two or more children, this period is extended to 140 calendar days). Category 1-4 working women affected by the Chernobyl accident may draw this benefit for 180 calendar days. Upon expiry of this period, one parent may take childcare leave (at a fixed rate of benefit) until the child reaches its third birthday.

206. A family is entitled to a lump-sum benefit equal to four times the minimum wage upon the birth of a child. Mothers who registered with a medical institution during the early stages of pregnancy (up to 12 weeks) and regularly sought and followed medical advice may draw a supplementary benefit equal to double the minimum wage on giving birth.

207. In the event of the birth to two or more children, a lump-sum benefit is paid to a family on a per-child basis. This benefit is payable if the beneficiaries submit a relevant application within six months of the child's birth. In certain cases this benefit is also payable to adoptive parents or a child's guardian.

208. The National Insurance Fund also pays a fixed-sum funeral grant on the death of the following categories of person:

(a) A citizen employed at an enterprise, institution or organization (except for working pensioners);

(b) A citizen who lost his or her job as a result of the closure, reorganization or conversion of an enterprise, institution, or organization, and was entitled to an average wage for the period of job-placement, but for no longer than three months;

(c) A person who was not in employment but was making contributions to the National Insurance Fund;

(d) A postgraduate student, a doctoral student, a clinical registrar, a student on an intramural course at a higher educational establishment, or a student at a vocational college;

(e) A dependant of a person in one of the above-listed categories.

209. The National Insurance Fund also pays allowances for treatment at sanatoria and resorts and defrays the cost of holidays for workers and members of their families. It pays for the upkeep of preventive-medical sanatoria and sponsors other restorative and rehabilitation initiatives.

210. In practice, most travel passes for treatment or recreation is only partially subsidized, since the beneficiary meets 10 per cent of the cost. Fully-subsidized travel passes account for no more than 1 per cent of the total number issued. Free travel passes are made available to persons who have suffered an acute myocardial infarction; pregnant women; mothers and children; adolescents; working labour and war veterans; decorated persons; and young people referred to health-building camps for children and students.

211. Benefits for working citizens are paid out of compulsory social insurance contributions which are transferred into a special account of the National Insurance Fund by enterprises, institutions and organizations irrespective of their form of ownership or the nature of their business. Insurance contributions are calculated on the basis of the wage fund (currently at 4 per cent) and other taxable payments. The amount payable in compulsory social insurance contributions is established by the Verkhovna Rada.

212. This form of insurance therefore covers all self-employed persons (entrepreneurs, legal practitioners, notaries, and persons engaged in creative or other income-generating activity) and members of their families.

213. A number of laws have been enacted concerning the pension entitlements of war veterans. These laws affect approximately 15 million citizens including 2.3 million disabled persons (all categories), some 12 million war and labour veterans, and over 600,000 victims of war and repression. The legislation has increased the number of categories of citizens entitled to various exemptions, of which there are now 27 different kinds.

214. One form of social protection for pensioners and disabled people is the provision of social amenities such as residential homes and local centres. The network of residential homes fully meets the requirements of the Ukrainian population in terms of available places. In fact, there currently are more than 5,000 spare places in facilities of this nature.

215. Despite the limited funds available in local budgets for the upkeep of residential homes, during the first quarter of this year, the Ministry of Social Welfare and local social security offices have been able to maintain the network of residential homes and provide proper social and medical amenities for the elderly and disabled people who live in them. There are currently 278 residential homes with 53,500 places, where over 47,000 elderly and disabled people are living on full State support.

216. The social welfare system includes 644 local centres and 117 independent social security offices catering for 570,000 elderly and disabled people living alone.

Article 10. Protection of the family, mothers and children

217. Article 52 of the Ukrainian Constitution states that children are equal in their rights regardless of their origin and whether they are born in or out of wedlock.

218. Article 57 of the Marriage and Family Code states that "children whose parentage has been established pursuant to a joint declaration by the parents or the decision of a court have the same rights and responsibilities towards their parents and relatives as children born in wedlock".

219. Under article 53, paragraphs 1 and 2, of the Marriage and Family Code, the parentage of a child born out of wedlock shall be established by a joint declaration of the child's parents deposited at the official registry of civil status certificates.

220. When a child is born out of wedlock and the parents fail to make a joint declaration, paternity may be established judicially pursuant to an application by either parent, the child's guardian, the person supporting the child, or the child itself upon reaching the age of majority.

221. Moreover, article 55 of the Marriage and Family Code stipulates that, when the parents are unmarried, the mother may be officially recorded pursuant to an application by the same, whereas the father may be recorded pursuant to a joint declaration by both parents.

Alternatively, paternity may be recorded pursuant to the decision of a court. If the mother dies, is ruled legally incapable, forfeits her parental rights, or if it is impossible to ascertain her place of residence, the child's paternity may be recorded pursuant to an application by the father.

222. When a child is born to an unmarried mother in the absence of a joint declaration by the parents or a court decision establishing paternity, the child's father may be recorded in the register of births under the mother's surname, and the first name, patronymic and nationality of the father may be recorded as the mother directs.

223. The State Family and Child Benefits Act, which came into force on 1 January 1993, established a guaranteed level of material support in the form of State benefits taking account of family size, family income, and the children's age and state of health. The Act provides for the following types of State benefit:

(a) Pregnancy and childbirth benefit;

(b) Lump-sum maternity grant;

(c) Childcare allowance;

(d) Benefit for mothers (parents) caring for three or more children aged under 16;

(e) Attendance allowance in respect of a disabled child;

(f) Temporary unemployability allowance for persons caring for a sick child;

(g) Child benefit for children aged under 16 (or 18 if the child is in full-time education);

(h) Child allowance for single mothers;

(i) Child allowance for military personnel on fixed-term military service;

(j) Guardian's or caregiver's allowance;

(k) Temporary allowance for minors whose parents are avoiding maintenance payments, or when maintenance payments cannot be deducted at source.

224. Childcare allowance payable to non-working women in respect of children over the age of three, childcare benefit for mothers (parents) with three or more children aged under 16, guardian's or caregiver's allowance, and child benefit for children aged under 16 (or 18 if in full-time education) are awarded when the average aggregate monthly income per family member for the preceding quarter does not exceed a prescribed amount (HRV 41). Other categories of benefit are payable irrespective of family income.

225. With effect from the second half of 1999, State benefits have been increased in line with Decision No. 915 of the Cabinet of Ministers dated 27 May 1999. Benefits are calculated as a percentage of the amounts stipulated in the State Family and Child Benefits Act, on the basis of the minimum wage of HRV 74.

226. Under the Act referred to above, most regions are experiencing difficulty in paying benefits funded from local budgets. As of 1 June 1999, benefits arrears owed by social security offices totalled HRV 29.1 million. The Autonomous Republic of Crimea and Zakarpatye, Ivan Franko, Ternopol and Chernovtsy oblasts continued to record the highest levels of unpaid benefits. Only Poltava oblast, Kiev and Sevastopol are paying benefits promptly.

227. Even more problematical is the situation with regard to family and child benefits which, under the terms of the Act, are payable by enterprises, institutions and organizations. As of 1 June 1999, the amount owed by local budgets in respect of these benefits was HRV 96.7 million (according to current statistics). The main reasons for this situation are the depleted state of local budgets and the financial difficulties facing enterprises, institutions and organizations.

228. In accordance with the Payment of Various Social Benefits by Social Security Offices (Amendments to Certain Legislation) Act (No. 563-XIV of 25 March 1999), a start has been made on transferring the role of awarding and paying State benefits from enterprises (institutions, organizations) to social security offices.

229. In order to ensure sounder use of the limited financial and material resources available, and pursuant to an initiative of the Ministry concerned, the Cabinet of Ministers adopted Decision No. 238 concerning the introduction of targeted social benefits for low-income families on 22 February 1999.

230. Entitlement to this benefit is granted to families consisting of pensioners and children aged under 16 (or 18 if in full-time education); people of working age who cannot go to work because they are caring for children (the period in question is entered in the person's employment history); people caring for three or more children aged under 16; or people caring for a category-1 disabled person, a disabled child under 16, or persons over the age of 80. The average monthly aggregate family income must be below the aggregate income granting benefit entitlement.

231. The rate of monthly targeted social benefit is determined by the difference between the average monthly aggregate income giving rise to benefit entitlement and the family's aggregate income.

232. A system of soft loans to help young families and young citizens build or renovate housing accommodation is being extensively developed under article 10 of the Ukrainian Youth Development Act, Presidential Decree No. 1165 on additional measures to implement State youth policy (4 December 1996), Decision No. 1352 of the Cabinet of Ministers on additional measures to implement State youth policy (3 December 1997), and Decision No. 1048 of the Cabinet of Ministers on State-provided long-term soft loans for young families and young single people for the purpose of housing construction in 1998 (10 July 1998).

233. In order to encourage young families to expedite the exercise of young citizens' right to housing and further increase the area of housing construction set aside for young people, a Youth Housing Construction Fund was set up in 1997 under the direction of the State Committee for Family and Youth Affairs, and local offices of the Fund have been established in the various oblasts of Ukraine. As a result of the Fund's activities in 1998, a total of 404 young families built themselves somewhere to live. This year, over 200,000 young families are planning to improve their living conditions by using long-term soft loans provided by the State.

234. Article 47 of the Constitution states that every citizen has the right to housing. The State creates conditions enabling citizens to build, purchase as property, or to rent housing. Citizens who require social protection shall be provided with housing by the State, free of charge or at a price affordable to them, in accordance with the law.

235. Under article 46, paragraph 1, of the Housing Code of the Ukrainian Soviet Socialist Republic, accommodation is provided to the following categories of persons on a priority basis:

(a) Citizens whose accommodation has become unfit for habitation following a natural disaster;

(b) Persons assigned to work in another area;

(c) Persons who have returned from a State-run children's institution, or who have left their relatives, caregiver or guardian;

(d) Citizens wrongly convicted of an offence and subsequently rehabilitated. Where possible, they should be reassigned the accommodation which they formerly occupied;

(e) Disabled children resident in State or other social institutions who have no parents or whose parents have forfeited their parental rights, if medical and social workers believe they can care for themselves and lead an independent life when they reach the age of majority;

(f) Persons elected to office, when their election necessitates a move to another area;

(g) Family members of a Ukrainian people's deputy who dies while performing full-time duties in the Supreme Soviet.

236. During the legally prescribed decision-making process on organizing a children's foster home, the foster parents who have been designated to live with the children and entrusted with their upbringing are allocated a self-contained house or multi-room apartment on a priority basis in accordance with the living-space quota established by the Cabinet of Ministers (article 46-1 of the Code).

237. In addition, Decision No. 825 of the Cabinet of Ministers on improving the organization and finances of the Youth Housing Construction Fund under the direction of the State Committee for Youth and Family Affairs (17 May 1999) ratified the Regulations on the procedure for offering State-provided long-term soft loans to young families and young single people for the construction or renovation of housing accommodation.

238. Paragraph 3 of the regulations stipulates that entitlement to State-provided long-term soft loans (for a term of 30 years) is granted to young families and young single persons who the law stipulates are in need of better housing, namely:

(a) Young families, i.e. both spouses are under the age of 28;

(b) Incomplete families with children in which the father is aged 28 or younger;

(c) Young single people under the age of 28.

239. Furthermore, under paragraph 23 of the Regulations, childless borrowers may apply for a loan at a rate of 3 per cent interest on the principal; borrowers with one child pay no interest on the principal; borrowers with two children are entitled to a 25 per cent cancellation of the debt at the expense of public funds; and borrowers with three children repay only 50 per cent of their original debt.

240. In recent years, however, opportunities to secure accommodation from State or collective housing stock have been limited. Demand for housing is still tight and is a serious problem for the 2 million families on the waiting list for accommodation at the end of 1998. Over the year as a whole, only 37,400 families secured better housing, or just 1.7 per cent of those on the list. Over the past eight years the waiting list for better housing has been cut by 23 per cent, but six times fewer families have secured accommodation.

Apartment register and number of State-provided apartments in Ukraine

	1990	1995	1996	1997	1998
Number of families on waiting list at year end ('000)	2 638	2 411	2 297	2 164	2 029
Number of families securing accommodation during the year ('000)	235	82	56	47	37
Percentage of those on waiting list at end of previous year	92	32	23	21	17

241. Thus, if the rate of housing provision over the last few years is maintained, it will take 54 years to clear the current waiting list.

242. Of the various measures designed to publicize and strengthen the prestige of the family as the principal source of material and emotional support, psychological protection and the primary unit for the preservation and transmission of national, cultural and universal human values to future generations, one noteworthy initiative has been the practical explanatory work being done with families by "Family Home" centres offering information, advice and club-based activities.

243. The young generation whose teenage years have coincided with a period of radical readjustment of values and social upheaval are now embarking on family life, and it is therefore essential that future fathers should be prepared for their family responsibilities. To this end, Family Home centres have been working with civil status registries to organize and conduct lectures for potential newlyweds on topics such as legal protection of the family and healthy lifestyles.

244. There are currently 59 centres offering information, advice and club-based activities for families in 21 oblasts of Ukraine; 29 of these centres are part of the Family Home network.

245. In 1998, 5.5 million families were awarded housing, communal service and electricity subsidies, or 95.1 per cent of all subsidy claimants. Of these, 4.5 million were urban families and 1 million were families living in rural areas. In 1998 a total of HRV 213.9 million was awarded in subsidies, of which HRV 165.4 million and HRV 48.5 million were awarded in urban and rural areas respectively.

246. Total calculated housing and communal service subsidies amounted to HRV 310.5 million in 1998. Of this amount, HRV 1,026.4 (78.3 per cent) was transferred to housing and communal service suppliers, which included provision for the cancellation of previous debts.

247. In the course of 1998, 700,000 families (95.3 of all claimants) were awarded subsidies totalling HRV 87.1 million for the purchase of liquefied gas and solid fuel. In urban areas, 200,000 families were awarded HRV 27.5 million, and in rural areas 500,000 families received HRV 59.6 million.

248. In 1998 subsidies worth HRV 50.4 million were awarded, and HRV 50.5 million (100.2 per cent) was transferred to liquefied gas and solid fuel suppliers, which included provision for the cancellation of previous debts.

	Subsidy in respect of:			
	Housing and communal services		Liquefied gas and solid fuel	
	Number of families awarded subsidies ('000)	Total subsidies awarded ('000 HRV)	Number of families awarded subsidies ('000)	Total subsidies awarded ('000 HRV)
Total	5 457.9	213 890.3	7 053	87 092.6
of which:				
Urban areas	4 480.4	165 375.3	2 106	27 475.1
Rural areas	9 775	48 515	4 947	59 617.5

249. There are no ethnic groups in Ukraine whose customs negate a woman's free consent to enter into marriage.

250. Article 175 of the Ukrainian Code of Labour Laws states that women may not be recruited to perform night-work, except in branches of the economy where there exists a particular need and where such work is authorized as a temporary measure. A list of these

sectors and types of work, indicating the acceptable maximum duration of night-work by women, is being ratified by the Cabinet of Ministers. These restrictions do not apply to women working at enterprises which employ members of a single family.

251. On 27 March 1996 the Government ratified a programme for the period 1996-1998 exempting women from work in industries involving heavy labour and hazardous conditions and restricting night-work by women. The programme makes provision for a gradual restriction of night-work by women. These restrictions do not apply to farms or family enterprises. A similar exemption applies to enterprises, irrespective of their mode of organization or legal status, whose founders or workers are basically members of a single family.

252. The increase in the number of homeless children is a disturbing sign of our times. There are currently 82 shelters, 17 of which have been opened in the past year, for minors who have been picked up off the streets during preventive round-up operations. In the period 1997-1998, some 27,000 minors benefited from social assistance in these shelters.

253. This year work will continue to develop and strengthen the network of shelters; almost HRV 15 million has been earmarked for this purpose in local budgets, which represents a significant increase on last year's budget.

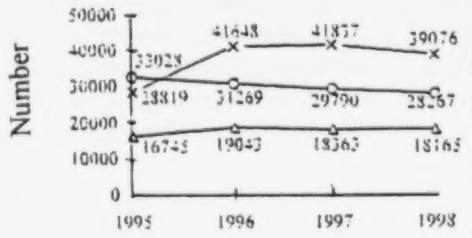
254. Under Presidential Decree No. 200 of 18 March 1998, comprehensive measures have been approved to prevent homelessness and delinquency among children and teenagers, encourage their social rehabilitation, elaborate a strategy and methodology to radically improve the prevention of juvenile delinquency, and define the role of local authority juvenile welfare services in this important area.

255. Last year some 94,000 juvenile delinquents were rounded up in preventive operations. During operations "Teenager", "Holidays", "Street Children", and "Railway Station", over 57,000 juveniles were rounded up and removed from an unhealthy environment, and over 18,000 teenage vagrants and beggars were taken off the streets. The activities of almost 3,700 adults who had unlawfully induced juveniles into a life of crime, prostitution, drunkenness, drug-addiction and begging were curtailed.

256. Almost 3,500 juveniles were released under the Amnesty Act of 24 July 1998, including 725 from places of detention. Officials specializing in juvenile matters and officers from the militia's criminal investigation unit have helped 875 juveniles to obtain a passport and registration papers, 625 to find work, 1,026 to embark on training, and 21 to undergo treatment. Some 2,500 juveniles have received material, financial and psychological assistance. The increase in antisocial behaviour among juveniles resulting from family dysfunction and inadequate parenting is a particularly disturbing phenomenon.

257. In 1998, the total number of offences committed by or involving juveniles was recorded at 39,100. Almost half of these offences were categorized as serious.

Number of recorded offences committed by or involving juveniles, number of identified juveniles suspected of committing offences, number of young offenders in the period 1995-1998



-x- Number of recorded offences (incidents)

-o- Number of identified juveniles suspected of committing offences (persons)

-Δ- Number of young offenders (persons)

258. There has been a steady growth in violent crime committed by persons aged between 14 and 17. In 1998 a total of 187 juveniles were convicted for rape or attempted rape, 206 for murder and attempted murder, 225 for wilful infliction of grievous bodily harm, and 1,681 for hooliganism.

259. Almost half of all juvenile convictions in 1998 were for theft of citizens' personal property, one quarter were for theft of State and collective property, and 1 in 11 were for hooliganism.

260. Juvenile convictions accounted for 7.8 per cent of all offences leading to various criminal penalties in 1998. Of this total, 7,900 young offenders were given a deferred custodial sentence; 4,900 were sentenced to deprivation of liberty; and 4,000 were given a suspended sentence with attachment of earnings for a probationary period.

Number of young offenders sentenced to various criminal penalties in 1995-1998 (persons)

	1995	1996	1997	1998
Number of young offenders	16 745	19 043	18 363	18 165
Offence committed:				
under the influence of alcohol	3 468	3 675	3 771	3 406
under the influence of narcotic drugs	438	747	493	584
by a group	12 774	14 325	13 913	13 622
Nature of criminal penalty:				
deprivation of liberty	4 927	5 524	4 999	4 945
suspended sentence	2 593	3 231	3 805	4 019
deferred sentence	7 013	8 898	8 213	7 950
other measures	2 212	1 390	1 346	1 251
Sent to social organizations or a workforce for re-education	1 136	1 191	926	686

261. The problem of the drug business in Ukraine and its impact on the younger generation merits special attention. In 1998 the internal affairs authorities recorded 214 offences committed by juvenile drug addicts. In all, 1,189 juveniles were identified as having committed offences involving narcotics, psychotropic and other potent substances, and 577 young offenders were sentenced accordingly.

262. The internal affairs authorities keep statistics on the identification and registration of persons whose use of drugs and psychotropic substances is not medically justified; there were 998 juveniles on this register at the end of 1998, and of these 216 were diagnosed as "drug addicts".

263. A total of 1,003 juveniles were registered as chronic alcoholics by the internal affairs authorities in 1998 (compared with 958 in 1995; 587 in 1996; and 888 in 1997).

264. In 1998 prosecutions were brought against 47 minors for the non-indictable offence of prostitution. During the same period the internal affairs authorities identified 12 minors who had previously been booked for prostitution and had committed the offences of deliberately transmitting a venereal disease (7 persons), refusing to undergo treatment for a venereal disease (1 person), and infecting other persons with AIDS (4 persons).

265. Juvenile delinquency is exacerbated by impoverishment, especially in families where the parents refuse to pay maintenance following a divorce. Thus, according to internal affairs authorities statistics for 1998, there were 11,100 cases of failure to pay maintenance, 11,300 prosecutions (including recorded offences for previous periods) and 7,300 convictions.

266. At the end of 1998 there were 40,000 minors in the files of the militia unit dealing with juvenile crime. Of these, 37.7 per cent were pupils at general secondary schools, 16.3 per cent were students at vocational and technical colleges, 27.7 per cent were neither employed nor in full-time education, 27.1 per cent were from single-parent families, and 880 were orphans.

267. According to statistics provided by the Ministry of Internal Affairs, of the 1,900 teenagers taken into care in 1998, 522 were sent to a special juvenile institution pursuant to a court order, 1,003 were pupils at general secondary schools, 57 were students at vocational and technical colleges, 851 were neither employed nor in full-time education, 4 were employed, 304 were girls, 221 were orphans, and 888 had only one parent.

Number of teenagers taken into care during the period 1995-1998 (persons)

	Taken into care			
	1995	1996	1997	1998
Total number of teenagers	8 974	6 573	1 842	1 915
of whom:				
pupils at general secondary schools	4 414	2 966	1 005	1 003
students at vocational and technical colleges	230	140	37	57
not employed and not in full-time education	2 833	2 551	783	857

	Taken into care			
	1995	1996	1997	1998
employed	87	36	17	4
girls	2 135	1 637	392	304
orphans	1 057	834	177	221
having one parent	3 769	2 969	795	888
of total:				
sent to a special juvenile institution pursuant to a court order	430	406	457	522

Article 11. Right to an adequate standard of living

268. The basic family diet consists of meat, dairy and cereal products. Consumption of these foods is declining annually owing to the limited income of the majority of the population (compared to 1990, the consumption of meat, dairy products, eggs and fruit in 1998 has fallen by a factor of between 1.8 and 2.1, and three times less fish is being consumed). In many cases, family diet is characterized by an excessive intake of carbohydrates in the form of potatoes, bread, cereal and farinaceous products. Preliminary statistics indicate that the calorie content of the foods consumed by the Ukrainian population in 1998 was 2,540 kilocalories a day, of which 79 per cent was accounted for by foods of vegetable origin.

269. The alleviation of poverty is one of the principal challenges facing the Government and society as a whole; accordingly, a draft Poverty Alleviation Programme has been elaborated. In 1999 it is planned to focus efforts on drafting basic documents that will help to establish a mechanism for implementing this Programme.

270. Pursuant to article 46 of the Constitution, a Subsistence Standard Act has been drafted and is being considered by the Verkhovna Rada. The adoption of a State-defined subsistence level representing the minimum standard of living of the population will serve as a legal basis for the effective implementation of reforms in the social sphere.

271. The Ministry of Health's Food Research Institute is performing special research into children's dietary issues. The Hygiene and Epidemiological Service monitors the diet of children and toddlers at schools and pre-school establishments and evaluates the effectiveness of the measures that are being taken.

272. Given the need to ensure that schoolchildren's diet includes special foods that are vitamin-rich, biologically active, provide protection against radioactivity, and contain sorbents, ministry and departmental research institutes are working with the Ministry of Health's Food Research Institute on more than 150 proposals to manufacture new food products and improve existing ones.

273. A bill on the quality and safety of foods and products designed for children has been drafted and is currently being finalized.

274. According to information provided by the State Statistical Committee, as of 1 January 1999 there were 2,029,301 families and single citizens on the housing register, of whom 40,200 live in antiquated and substandard accommodation; 327,700 live in hostels; 120,600 rent accommodation from other citizens; and 46,500 live in communal apartments.

275. Article 47, paragraph 3, of the Constitution states that no one shall be forcibly deprived of housing except as specified by law pursuant to the decision of a court.

276. Article 78 of the Housing Code of the Ukrainian Soviet Socialist Republic states that a temporarily absent tenant retains the rights and obligations specified in the tenancy agreement.

277. Article 108 of the same Code states that a contract to rent accommodation in a property owned by the State or a public housing fund may be terminated at the tenant's request only on grounds established by law, and only in accordance with judicial procedure, except in cases involving eviction from premises that are structurally unsafe.

278. In addition, article 109 of the Code states that eviction from residential accommodation in a property owned by the State or a public housing fund is only permitted on grounds established by law. Eviction must be performed in accordance with judicial procedure. Eviction may be ordered by the authorities with the sanction of the procurator only in respect of persons who have occupied premises illegally or are residing in buildings that are structurally unsafe.

279. Evicted citizens must be offered alternative accommodation forthwith, except as specified otherwise by existing legislation. The accommodation that is offered to an evicted person must be indicated in the decision of the court or procurator.

280. Citizens may leave accommodation belonging to the State or a public housing fund and move to other suitably-equipped accommodation if (a) their accommodation is in a building scheduled for demolition; (b) the (residential) building is structurally unsafe; (c) the (residential) building is scheduled for conversion to non-residential use (Housing Code, article 110, paragraph 1).

281. Other grounds for eviction of tenants, as stipulated by the relevant articles of the Housing Code, are detailed below:

Article of Housing Code	Grounds for eviction
94	Unlawful settlement in residential premises.
97	Termination of sub-lease.
98	Eviction of temporary residents at request of tenant and members of tenant's family.

Article of Housing Code	Grounds for eviction
99	Eviction of sub-lessee and temporary residents at termination of lease.
109	Unauthorized occupancy of residential premises.
110	(a) If the building where the residential accommodation is located is scheduled for demolition; (b) If the (residential) building is structurally unsafe; (c) If the (residential) building is scheduled for conversion to non-residential use; (d) Officers, warrant officers, ensigns, personnel who have served in the military for longer than the prescribed term and persons with similar status who have been discharged from active military service into retirement or the reserves, and persons living with them, must vacate residential accommodation at military bases.
114	Notice by employee of intention to terminate employment without good reason, breach of workplace discipline, commission of an offence, and discontinuation of the working relationship between a worker or employee (and persons living with them) and the enterprise, institution or organization providing them with accommodation. Citizens must vacate residential accommodation in buildings owned by a collective farm if they are barred from the collective or if they leave the collective of their own volition.
116	(a) If a tenant, member of the tenant's family or other person living with the tenant systematically destroys or wrecks the premises, uses them for a purpose for which they are not intended, systematically breaches house rules and makes it impossible for others to live in the same apartment or building with the tenant, and where warnings and exhortations have proved ineffective; (b) If is ruled impracticable for persons who have forfeited their parental rights to live in the same premises as the children over whom these rights were formerly exercised.
117	Eviction on account of an invalid housing warrant.

Article of Housing Code	Grounds for eviction
124	Eviction from employer-owned residential premises of workers and employees who have discontinued their working relationship with an enterprise, institution or organization, and citizens who have been barred from membership of a collective farm or have left the collective of their own volition.
132	Eviction from hostels of seasonal and temporary workers whose employment has ended, contract workers and former students of educational establishments no longer in attendance.
147	Eviction on account of debarment from a housing cooperative: (a) for supplying inaccurate information with a view to securing admission to a cooperative, or in the event of official malpractice during the admissions procedure; (b) if a court rules that a shareholding has been paid for with funds obtained by criminal means; (c) for systematic destruction or wrecking of premises, the use of premises for a purpose for which they are not intended, or systematic breaches of house rules making it impossible for others to live in the same apartment or building with the member of the cooperative, and where warnings and exhortations have proved ineffective; (d) for systematic renting out of premises in order to secure unearned income; (e) on account of removal to another place of permanent residence; (f) for non-payment of shareholding; (g) for systematic non-payment of dues without good reason; (h) on account of cancellation of a bank loan or dues for the upkeep and repair of the property.
148	If a member of a cooperative is debarred from a cooperative in connection with article 147, paragraphs 1, 2, 4, 6 or 7, of the Housing Code, family members and other persons living with the person are also liable to eviction.

Article of Housing Code	Grounds for eviction
	Family members and other persons living in the premises may be evicted if a member of the housing cooperative has left the cooperative or moved to another apartment in a property owned by the same cooperative, and the family members are not properly registered at the original premises. Family members and other persons living with a member of a housing cooperative may be evicted in the circumstances specified in article 116, paragraph 1, of the Housing Code.
157	Family members of the owner of a property (apartment) may be evicted in the circumstances specified in article 116, paragraph 1, of the Housing Code.
165	In the event of major repairs to a residential property or apartment which is privately owned by a citizen as of right, the occupants may be evicted when the repairs cannot be effected in their presence.

Article 12. Right to physical and mental health

282. The release of radioactive substances following the accident at the Chernobyl nuclear power station resulted in the radioactive contamination of almost 95 per cent of Ukrainian territory. An area of 54,600 km^2 has been designated a radioactive contamination zone under present legislation. This area includes 2,293 population centres, 76 of which were evacuated in 1986 and a further 31 in subsequent years. Approximately 2.4 million people live in radioactively-contaminated areas, including 579,000 children aged under 15.

283. Under current legislation, measures are being taken in the affected areas to minimize the impact of radioactive contamination on the health of local children. The radiological situation is regularly evaluated and the radionuclide content of foods and agricultural products is monitored on an ongoing basis. Periodic monitoring of the radiation dosage received from internal and external sources is also carried out.

284. Based on the results of radioecological monitoring, special countermeasures are being devised and introduced in agriculture and forestry to reduce radiation exposure by minimizing the potential for radionuclides to enter the human body via food chains.

285. Dosimetric surveillance is performed using techniques that conform to specifications devised by the Ministry of Emergencies and ratified by the Ministry of the Environment. The surveillance operation covers almost 2,200 population centres in 12 oblasts of Ukraine. Since 1991, surveillance has been performed annually and the results are published in a dosimetric surveillance digest on Ukrainian population centres. Dosimetric digest No. 7, which contains retrospective and projected estimates of the radiation doses received by the population in inhabited areas, was published in 1998.

286. The Ministry is studying the intake of radiocaesium into the human body in order to make a comprehensive assessment of radiation doses. This involves carrying out a mass survey in the same population centres that are under dosimetric surveillance. A total of 156,000 people living in contaminated areas were examined in 1997. As of 1 December 1998 almost 117,000 individuals had been examined. The current database incorporates readings from over 450,000 people living in radioactively-contaminated areas.

287. Of all the countries significantly contaminated as a result of the Chernobyl accident, only Ukraine has instituted thyroid-specific dosimetric surveillance in all population centres. In this exercise, calculational methods are used to determine the average dose of iodine isotopes absorbed by the thyroid gland in children (categorized into six age groups) and adults in each population centre. Thyroid-specific dosimetric surveillance makes it possible to pinpoint "thyroid exposure" risk groups and thus to prevent disease or offer assistance where necessary. As of 1 July 1999, population centres in 21 oblasts had undergone thyroid-specific dosimetric surveillance.

288. In addition to dosimetric surveillance in contaminated areas, an airborne gamma-spectrographic survey on a scale of 1:50,000 is being carried out in order to obtain a more detailed picture of radioactive contamination in various regions of the country. Since this survey got under way in 1994, an area of 78,700 km^2 has been mapped.

289. Radioecological monitoring of the environment also includes the surveying of radioactively-contaminated forests, meadows and agricultural land, and analysing the levels of radionuclides, heavy metals and pesticide residues in foods and agricultural products.

290. As a result of the campaign to monitor radioactive contamination levels in foods, forest products and medicinal plants which is being carried out by the Ministry of Health in conjunction with 276 laboratories and 973 radiological units reporting to 7 ministries and departments, approximately 1.5 million caesium readings for foods and forest products are taken every year.

291. State hygiene guidelines on acceptable levels of the radionuclides Cs-137 and Sr-90 in food and drinking water (DU-97) came into force in Ukraine in 1998. These were drawn up to ensure that the radionuclide content of food and drinking water does not exceed the maximum annual dose of radiation per cubic metre.

292. According to the latest statistics, the amount of caesium-137 and strontium-90 in foods from public-sector farms which find their way to the consumer does not exceed the levels specified in DU-97. Nevertheless, in some areas the levels of radioactive contamination of foods from privately-owned farms, particularly milk and meat, exceed acceptable caesium- and strontium-content levels in food and drinking water (as per DU-97) by factors of 2 and 1.5 respectively. Food production on private ancillary holdings is therefore a critical issue in the agrarian sector at the present time.

293. A separate challenge is the annual monitoring of the multi-step Dnieper Reservoirs which are a source of radiation exposure for more than 30 million Ukrainians. Systematic observation

of the radionuclide content of spring water (as a source of the drinking water supply) shows that concentrations of radionuclides in spring water which can be ascribed to the Chernobyl accident do not exceed 2 Bq/l, the maximum level permitted under DU-97.

294. In order to implement countermeasures for lowering the amount of radioactivity in foods produced by the agro-industrial complex and the forestry sector in affected areas, the Ministry of Emergencies, the Ministry of the Agro-industrial Complex, the State Committee for the Food Industry, the State Committee for the Forestry Sector and other departments have devised programmes for 1997-1998 to minimize the consequences of the accident in the agricultural and forestry sectors during this period.

295. The following countermeasures have been taken in 1997 and 1998 to achieve these objectives:

(a) Comprehensive improvement of meadowland and cattle pasture in both the public and private sectors (22,500 and 20,000 hectares);

(b) Liming of acidic soils, including smallholdings (1,000 and 9,000 hectares);

(c) Application of increased amounts of mineral fertilizers for the cultivation of uncontaminated foods on areas of 34,500 and 8,000 hectares;

(d) Development and introduction of combined fodder and premixes with radio-protective qualities (7,600 and 2,200 tonnes);

(e) Permanent monitoring of levels of radioactive contamination of agricultural products at every stage of production and sale;

(f) Production of sapropel and peat composts (227,700 and 275,100 tonnes).

296. Work is continuing on special programmes to convert farms to beef cattle husbandry, large-scale horse-breeding and fish-breeding.

297. The radiological situation in Ukraine's forests continues to give cause for concern. Studies reveal a high concentration of radionuclides in wood, mushrooms, berries, medicinal plants, the meat of forest animals, and fodder which in some areas are a significant source of radiation exposure for the local population.

298. The following fire-prevention, sanitation and hygiene measures were taken in 1997 and 1998 in State-owned forests affected by radioactive contamination:

(a) The creation of 10,000 and 16,800 km of mineralized strips and quarterly maintenance thereof;

(b) Procurement of 5,200 and 4,000 sets of protective clothing, means of self-defence, and cleansing and disinfecting equipment;

(c) Ensuring the competence of seven specialized chemical fire stations to deal with forest fires, and providing them with backup.

299. With a view to raising the standard of training of forestry experts, two resources entitled Principles of Forest Radioecology and Recommendations for the Management of Radioactively-Contaminated Forests were prepared and published in editions of 2,000 and 1,000 copies, respectively, in 1998.

300. Ongoing medical assistance to victims of the Chernobyl nuclear accident is provided at over 300 medical institutions, including 77 central district hospitals, 24 regional hospitals for children and adults, 23 specialized dispensaries, Kiev Oblast Hospital No. 2, the Ukrainian special dispensary for radiological protection of the public, the radiation medicine unit of the Ukrainian Academy of Medical Sciences, and clinics of the research institutes at the Ministry of Health and the Academy of Medical Sciences.

301. In pursuance of its annually ratified programmes on priority measures to organize comprehensive medical and sanitary provision for victims of the Chernobyl accident, the Ministry of Emergencies has made special assistance available to the affected population from the Fund for the implementation of measures to deal with the after-effects of the Chernobyl accident and ensure the social welfare of the population. More than HRV 62 million have been transferred to oblast and city authorities in the past three years in order to acquire medical diagnostic equipment, expendable items, and medicines for hospitals, care for seriously-ill people requiring surgical intervention, and maintain and develop the national register of victims of the Chernobyl accident. A total of HRV 31,029,000 has been earmarked for these purposes in 1999.

302. HRV 181.5 million have been made available for treatment at sanatoria and health resorts and restorative holidays for children and category-1 and category-2 disabled persons. In addition, people affected by the after-effects of the Chernobyl disaster are entitled to free medicines on special prescription at outpatient clinics and free dental prostheses.

303. Ukraine has adopted national and State health-care programmes to address the issues that impact most on the principal health indicators of the population. The most important of these are:

(a) A long-term programme to improve the quality of life of women, families, mothers and children;

(b) A comprehensive programme to tackle disability issues;

(c) An immunoprophylactic programme for the population of Ukraine to the year 2000;

(d) A national family-planning programme;

(e) The national programme "Children of Ukraine".

304. Despite underfunding of all these programmes at both local and central level, it has nevertheless been possible to achieve the following results:

(a) Reduction in child mortality;

(b) Improvement of certain reproductive health indicators, specifically stabilization of the maternal mortality rate;

(c) Reduction in the incidence of infectious disease through immunoprophylaxis (hence the number of diphtheria cases has fallen by 39.7 per cent since 1997, measles by 40 per cent, and whooping cough by 24.1 per cent);

(d) Gradual development of services such as medical genetics, perinatal diagnostics and neonatal care, with the opening of intensive care units for newborns in nearly all Ukrainian oblasts. This has led to a reduction in the number of children dying before their first birthday from congenital abnormalities, and also the neonatal mortality rate.

305. The following statistics were recorded in Ukraine in 1998:

(a) 7,777 cases of HIV infection, or 1,540 per 100,000 of population;

(b) 303 cases of AIDS, or 0.6 per 100,000 of population;

(c) The overall morbidity index for children aged 0-14 inclusive was 144,416.7 per 100,000, of whom 111,936.1 presented with a disease for the first time;

(d) The number of persons presenting with malignant carcinomas was 1,496.9 per 100,000 of population. The morbidity index was 316.5;

(e) The incidence of diseases of the blood and the blood-producing organs throughout the population was 1,304.1 per 100,000 of population. The morbidity index was 497.0.

Article 13. Right to education

306. At the start of the new academic year there were 6,787,858 students in the general secondary education system, 3,375,680 of whom were female.

307. Article 53 of the Constitution states that complete general secondary education is compulsory. The State guarantees the right to receive a complete secondary education and pays for it. Complete secondary education is offered in a range of educational establishments.

308. Ukrainian citizens have the right to receive a free education in all State educational establishments regardless of their sex, race, nationality, social and property status, nature or type of occupation, outlook on life, membership of parties, attitude to religion, faith, state of health, place of residence or other factors.

309. This right is guaranteed by means of:

(a) A diversified system of State and non-State educational and scientific institutions, and facilities for postgraduate education;

(b) The open nature of educational institutions and the establishment of conditions for specialization and training that correspond to a citizen's abilities and interests;

(c) An array of educational options: intramural, evening classes, correspondence courses, non-residential, and home tuition.

310. In accordance with Decision No. 114 of the Cabinet of Ministers on changes to the system of grants for students at higher educational establishments (3 February 1997), as amended by Decision No. 1265 of 14 November 1997, educational institutions may decide to award grants up to specified ceilings, on a priority basis, to orphaned students, students without parental care, students from low-income families (provided that the family is receiving an appropriate State benefit), and students scoring an average of B+ and higher.

Provision of student grants
(at start of academic year)

	1995/96		1998/99	
	Accreditation levels I-II	Accreditation levels III-IV	Accreditation levels I-II	Accreditation levels III-IV
Total number of students, intramural courses	455 582	616 313	384 435	782 204
Total number of grant recipients	402 120	492 325	199 915	374 316
Number of student grant recipients (%)	883	799	520	479

311. The foundation by religious organizations of establishments providing a general academic education violates articles 6 and 9 of the Education Act, which state that "education shall be independent of political parties and social and religious organizations", and also that "Ukrainian educational organizations, irrespective of their controlling authority, shall be separate from the Church (religious organizations) and be of a secular nature, with the exception of educational institutions organized by religious organizations". It must be stressed that religious organizations are allowed to organize their own educational establishments, but these must not be of a compulsory State-wide nature.

312. The educational needs of national minorities are fully provided for in Ukraine. Of the total student population of 6,787,800, some 2,313,900 are taught in Russian, 34,900 in Romanian, 21,200 in Hungarian, 1,100 in Polish, 4,000 in Crimean Tatar, and 700 in Slovak.

313. Article 53 of the Constitution and article 6 of the National Minorities Act guarantee citizens who belong to national minorities the right to an education in their own language or the right to study their native language in State and public educational establishments or national cultural societies.

314. The right of national minorities to an education in their own language, which is proclaimed in the Declaration of the Rights of Ukrainian Nationalities, is enshrined in the National Minorities Act, the Languages in Ukraine Act, the Education Act, and the Principles of Ukrainian Cultural Legislation. This right is also exercised under the State Programme for the Revival and Development of National Minority Education to the Year 2000.

315. The Cabinet of Ministers' programme of action for 1999 makes provision for "the development of a network of State teaching and educational institutions and Sunday schools in which teaching and education is conducted in national minority languages and in accordance with the ethnic composition of the population of the regions".

Distribution of children in pre-school institutions by language of instruction
(at year end)

	1995	1997	1998
Total number of children	1 535 559	1 171 825	1 102 589
Taught in:			
Ukrainian	1 017 139	840 430	818 693
Russian	512 380	326 878	279 498
Crimean Tatar	442	307	299
Moldavian	1 568	866	792
Hungarian	3 037	2 380	2 275
Romanian	900	871	958
Others	93	93	74
Total number of children (%) taught in:			
Ukrainian	66	72	74
Russian	33	28	25

Distribution of pupils at non-boarding secondary educational establishments by language of instruction

	1995/96	1996/97	1997/98	1998/99
Total school population	6 937 568	6 948 416	6 904 187	6 808 611
Taught in:				
Ukrainian	4 044 300	4 198 490	4 329 080	4 420 153
Russian	2 837 097	2 692 865	2 515 407	2 326 553
Romanian	26 886	32 908	34 263	34 897
Hungarian	20 044	20 727	21 187	21 431
Crimean Tatar	1 028	1 109	2 834	4 071
Polish	935	993	1 075	1 109
Others	7 278	1 324	341	397

	1995/96	1996/97	1997/98	1998/99
Total number of pupils (%) taught in:				
Ukrainian	58	60	63	65
Russian	41	39	36	34

Distribution of students at higher educational establishments (accreditation levels I-II) by language of instruction (at start of academic year)

	1995/96	1996/97	1997/98	1998/99
Total student population	617 660	594 967	526 362	503 687
Taught in:				
Ukrainian	341 632	358 851	353 221	361 670
Russian	275 512	235 640	172 719	141 656
English	343	301	275	245
Hungarian	173	175	147	116
% of students taught in:				
Ukrainian	55	60	67	72
Russian	45	40	33	28

Distribution of students at higher educational establishments (accreditation levels III-IV) by language of instruction

	1995/96	1996/97	1997/98	1998/99
Total student population	922 838	976 891	1 109 982	1 210 299
Taught in				
Ukrainian	472 311	549 595	683 204	793 780
Russian	450 162	426 858	426 299	415 940
English	365	395	400	465
Hungarian	-	43	79	114
% of students taught in:				
Ukrainian	51	56	62	66
Russian	49	44	38	34

316 Teachers' pay is regulated by Ministry of Education Order No. 7 of 11 January 1997, which contains amendments and additions to Ministry of Education Order No. 252 of 25 July 1996 concerning the salary (remuneration) of teaching staff.

317 Schoolteachers and staff at vocational and technical educational establishments and higher educational establishments with accreditation levels I-II draw a monthly salary of HRV 95-145. Teaching and research staff at educational establishments with accreditation levels III-IV are currently paid HRV 172-284 a month depending on function and degree status.

Article 15 Right to take part in cultural life

318. The Ministry of Culture and the Arts oversees 39,388 enterprises, institutions and organizations including 101 theatres, 48 concert organizations, 5 film studios, 275 museums, 40 nature reserves, 8 zoological gardens, 12 circuses, 19,141 libraries, 18,022 club-based institutions, 119 parks, 1,592 kindergartens with an aesthetic orientation, 61 cultural and arts colleges, 10 higher educational establishments, and 20 manufacturing enterprises. These organizations employ 132,810 people.

319. The work of cultural institutions is regulated by a series of laws and subsidiary instruments, including the Libraries and Museums Act and the Cinematography Act. "National" status is conferred on leading cultural institutions by Presidential Decree.

320. The Presidential Decree on State support for culture and the arts in Ukraine is an exceptionally important measure. In order to promote the activities of cultural workers and artists and encourage creativity among young people, special Presidential bursaries, pensions for outstanding cultural workers, and grants for gifted young people have been instituted. The establishment of the Ukrainian Arts Academy, the Aleksandr Dovzhenko National Centre, and the Les Kurbas Centre was a major development on the national cultural scene.

321. The President has promulgated a Decree inaugurating a national creativity review. This involves various activities around the country and regionally-based performances at the Ukrainian National Palace; it aims to promote a real energization of cultural life and provide an equal measure of support for amateur and professional creative endeavour. There are plans to involve hundreds of thousands of people in these events.

322. The Cabinet of Ministers has adopted a number of decisions with a view to reforming cultural life, for example:

(a) Minimum standards for the provision of public libraries;

(b) Standards for the provision of public club-based institutions;

(c) Employment contracts for the directors and creative staff of State-run theatres and concert institutions, enterprises and cultural organizations;

(d) Validation of the list of remunerated services which can be provided by cultural institutions, enterprises and organizations;

(e) Restructuring of the film industry, etc.

323. During the last few years, therefore, important steps have been taken to establish a new framework for the management and restructuring of cultural life while preserving the basic network of cultural organizations and institutions.

324. Greater artistic freedom in recent years has permitted much more extensive probing of the stylistic and thematic boundaries of artistic work and strengthened the creative independence

of artists. There have been pioneering and occasionally quite successful attempts to organize theatres, musical ensembles, and private art galleries independently of State control. The State-sponsored theatre network has also expanded through the granting of budget status to new theatre workshops. A number of musical ensembles have been founded which have already won public recognition.

325. The implementation of the "Children of Ukraine" programme has helped to unearth fresh young talent which is currently showcasing Ukrainian art at international level.

326. Mention should also be made of measures to preserve and support the Ukrainian film industry, including the signing of co-production agreements with foreign and domestic investors. Six foreign films have been shot under this system. Ukrainian films have been shown at film festivals in countries of the former Soviet Union and further afield. Efforts to monitor the rental and distribution of films on video are also being intensified.

327. A lot of attention is being paid to the preservation of Ukraine's national cultural heritage. In recent years the State has inaugurated a number of new conservation areas and museums focusing on personalities and events in Ukrainian history. Work has begun on compiling a register of national cultural assets and reclaiming artistic treasures that have been taken out of the country illegally. There are currently 123,000 historical and cultural monuments under the protection of the State, and the national museum fund comprises 10 million items.

328. Restoration work has been carried out on outstanding architectural monuments, for example the historically and architecturally important monuments at Chigirin, the ongoing work at the Old Galich conservation area, and the completion of the restoration project at the Mikhailov-Zlatoverkh monastery in Kiev. Work has begun on restoring the Cathedral of the Assumption at Kiev's Monastery of the Caves.

329. Recent years have witnessed a growing interest in folk arts and a revival of traditional arts and crafts. These activities are centred in club-based institutions, which for many people, and especially rural residents, are the only cultural centres available. Clubs such as these, encourage new methods of working, specifically a transition to leasing arrangements.

330. During the last two years treasures from Ukrainian museums have been exhibited in the United States of America, Italy, Finland, Japan and Luxembourg.

331. Efforts have been made to reorganize the system of staff training in this sector. Courses at higher educational establishments specializing in culture and the arts are being reviewed, new specialist disciplines are being introduced, and admission criteria are being brought into line with actual requirements. The recent reorganization of the Ukrainian Academy of Sciences, the Tchaikovsky National Musical Academy, and the National University for Culture and the Arts is a core element in the new system of training for arts staff. The Children's Arts Academy in Kiev is another success story. The State Academy for Cultural and Arts Managers has been established on the basis of the institute which formerly provided skills enhancement in this field.

332. The principal objective of State cultural policy remains the establishment of the conditions (creative, legal, financial, economic, administrative and managerial) for the all-round preservation and development of Ukrainian cultural life and the restructuring of the cultural sector.

333. Pursuant to initiatives by national minority social associations, article 18 of the National Minorities Act (which states that "any direct or indirect restriction of the rights and freedoms of citizens on the grounds of nationality is prohibited and punishable by law") has been redrafted in a new bill as follows: "any direct or indirect restriction on the rights and freedoms of citizens on the grounds of nationality or race, or action calculated to incite inter-ethnic, racial or religious strife, is prohibited and punishable by law" (the new bill is being considered by the Verkhovna Rada). The Act also guarantees the right to "free development, use and protection of Russian and other national minority languages of Ukraine" (art. 10); the right to instruction in a person's native language or the study of a native language (art. 53); and prohibits privileges or restrictions on linguistic grounds (art. 24). According to article 4 of the Principles of Ukrainian Cultural Legislation, the State guarantees "equal rights and opportunities for the cultural use of the languages of all national minorities living in Ukraine".

334. Every year 1,229 hours of television programmes and 1,988 hours of radio programmes are broadcast in national minority languages.

335. Almost two thirds of total air time on television and radio are devoted to Russian-language programmes and films. For the past five years the State television channel UT-1 has aired a Yiddish-language programme entitled "Yahad" ("Together"), and programmes in Yiddish are also broadcast by regional television and radio stations in Chernovtsy, Lvov, Donetsk, Sevastopol and some other cities. There are 32 hours per year of German-language television programming in the Autonomous Republic of Crimea, and 48 hours of radio broadcasts. In Zhitomir oblast, the local radio station broadcasts a monthly programme in Polish entitled "Unity," and local television shows a programme called "Red Guelder Rose"; television and radio programmes in Hungarian are aired daily in Zakarpatye oblast. Households throughout this oblast can receive television and radio broadcasts from Hungary. In Chernovtsy oblast, where there is a high concentration of ethnic Romanians (10.7 per cent of the total population of the region), over 30 per cent of all local public television broadcasts and 25 per cent of local radio broadcasts are in Romanian.

336. In areas of Ukraine with a significant national minority population, special editorial boards have been set up at State-run television and radio companies to produce programmes in minority languages on an ongoing basis. The Sate Television and Radio Company "Crimea" relays programmes in German, Armenian, Crimean Tatar, and Russian. A total of 1,154 hours of programmes are broadcast in these languages every year. In Zarkarpatye oblast, State television and radio broadcast programmes in Hungarian, Romanian and German. Odessa has programmes in Romanian, Bulgarian, and Gagauz. Romanian and Yiddish programmes are aired in Chernovtsy, and Polish programmes in Zhitomir. All regional State-run television and radio companies have a sizeable output of Russian-language programming.

337. The first interregional festival of national minority television and radio programmes was held in Izmail (Odessa oblast) in 1998. Representatives of the Roma, Romanian, Polish, Azerbaijani, Armenian, Czech, and Moldavian minorities attended.

338. As of 1 January 1998, national minority news requirements were satisfied by over 1,300 Russian-language newspapers and 95 other minority-language newspapers (compared to 48 such publications in 1995). These include Hadashot (News), the newspaper of the Ukrainian Association of Jewish Organizations and Communities published in Kiev; the Jewish news review Ben Siah (Interlocutor), published in Kharkov; the Jewish national newspaper Revival-91, published in Kiev; Chernovtsy Notes, the newspaper of the Jewish Society of Bukovina; the Belarusian newspaper Belorus Galitsii; the Polish newspaper Gazeta Lwowska; the Tatar newspapers Salam and Minaret, the German Deutschekanal; the Romanian-language magazines Arcaşul, Plai Romanesc, and others.

339. Under the Mass Media and Journalists (State Assistance and Social Welfare) Act, the State "makes special assistance available to media which consistently promote the development of the languages and cultures of national minorities in Ukraine".

340. The parliamentary gazette Voice of Ukraine has six supplements for national minorities, namely Roden Krai in Bulgarian, Dziennik Kijówcki in Polish, Jewish News in Yiddish, Aragats in Armenian, Concordie in Romanian, and Voice of Crimea for the Crimean Tatar community. Voice of Ukraine subsidizes 50 per cent of the operational and publication costs of these supplements and organizes logistic support for the editorial and publishing process. In areas with a significant minority population, for example Zakarpatye, Odessa and Chernovtsy oblasts, the local authorities publish local newspapers in Romanian and Hungarian.

341. By its Decision of 1 March 1999, the Cabinet of Ministers ratified a set of comprehensive measures to develop national minority cultures to the year 2001. These measures aim chiefly to establish appropriate conditions for the preservation and development of Ukraine's national minority cultures, specifically by carrying out research into the satisfaction of the ethnic and cultural needs of national minorities, training staff, opening cultural centres, adopting cultural and educational measures, developing the media, and promoting education at State institutions irrespective of sex, race, nationality, social and property status, nature or type of occupation, outlook on life, membership of parties, attitude to religion, faith, state of health, place of residence or other factors.

342. Copyright in Ukraine is directly protected by the Copyright and Neighbouring Rights Act which, inter alia, protects the personal (non-property) and property rights of authors and their successors in connection with the creation and use of a scientific, literary or artistic work (copyright), and the rights of producers of phonograms and broadcasting organizations (neighbouring rights).

343. Article 8 of this Act states that such protection is afforded to the following persons:

(a) Authors whose works have been published for the first time or are unpublished but physically present in Ukraine, irrespective of the author's citizenship or place of permanent residence;

(b) Authors whose works were first published in another country and subsequently appeared in Ukraine within 30 days of their original publication date, irrespective of the author's citizenship and place of permanent residence;

(c) Authors who are Ukrainian citizens or permanent residents of Ukraine, irrespective of the country in which their works were first published.

344. Authors whose works were first published or are unpublished but physically present in the territory of another State are afforded protection under the international treaties to which Ukraine is a signatory, irrespective of the author's citizenship. This article also applies to other owners of copyright.

345. In addition, article 9, paragraphs 3 and 4, of this Act states that the owner of copyright or any other exclusive right to a work may officially register this right with the authorities, thereby attesting to his or her authorship of the published or unpublished work, the fact and date of publication of the work, or to any agreements affecting copyright over the work, at any stage during the term of protection of copyright. Official registration is performed in accordance with established procedure by the Ukrainian State Agency for Copyright and Neighbouring Rights, which compiles and periodically publishes catalogues of all registrations.

346. Upon registration of copyright the author is presented with a certificate. In the event of a dispute, a court recognizes registration as legal presumption of authorship, i.e. it considers the registration to be genuine unless legal proof to the contrary can be produced.

347. The possessor of the tangible embodiment of a work cannot prevent registration by the owner of copyright. Section V of the Copyright and Neighbouring Rights Act directly regulates questions of copyright and neighbouring rights. Hence the importation, reproduction, distribution and other use of copies of works, phonograms or aural performances without the authorization of the owner of copyright or neighbouring rights is a breach of those rights and provides grounds for judicial protection (art. 41, para. 1).

348. Under article 42 of the Act, the personal and property rights of owners of copyright and neighbouring rights may be protected in accordance with the procedure laid down by administrative, civil and criminal law.

349. Article 164 of the Code of Non-Indictable Offences, persons who unlawfully employ a trade name, trademark, service mark or brand may be fined an amount equal to 30 or 40 times the minimum non-taxable income.

350. According to article 137 of the Criminal Code on the violation of intellectual property rights, it is an offence to usurp the rights in inventions, discoveries, utility models, industrial designs or innovations (rationalization proposals) made by other persons.

351. Under article 136 of the Criminal Code it is an offence to publish under one's own name or to appropriate authorship of somebody else's scientific, literary or artistic work, or unlawfully to reproduce or distribute such a work.

352. Article 2 of the Television and Radio Broadcasting Act states that television and radio organizations may not use their programmes as a vehicle for war propaganda, violence or cruelty, the incitement of racial, national or religious hatred, or any other information calculated to undermine public morals, encourage wrongdoing, or to humiliate and degrade.

353. The Print Media (Press) Act contains similar provisions.

Annex 1

Comparative data on number of religious organizations and independent churches in Ukraine
(as of 1 January 1999)

	Number of registered/unregistered religious organizations of which										Number			
	Total	Centres	Government (diocesan authorities)	Communities	Monasteries	Monks	Missions	Brotherhoods	Seminaries	Seminarists	Ministers of religion	of which aliens	Sunday schools	Publications
Ukrainian Orthodox Church														
1 January 1999	8 168	1	35	7 996	105	2 982	1	16	14	3 070	6 568	4	2 108	37
1 January 1998	7 541	1	34	7 382	92	2 509	2	13	13	2 824	6 044	4	1 784	31
+/-	627	-	1	614	13	473	-1	3	1	246	524	-	324	6
Ukrainian Orthodox Church - Kiev Patriarchate														
1 January 1999	2 270	1	28	2 187	17	88	14	10	13	1 394	1 743	-	506	19
1 January 1998	1 977	1	28	1 901	16	68	11	8	12	1 427	1 561	-	459	15
+/-	293	-	-	286	1	20	3	2	1	-33	182	-	47	4
Ukrainian Autocephalous Orthodox Church														
1 January 1999	1 047	0	10	1 024	2	4	5	-	5	203	543	-	94	5
1 January 1998	1 085	1	11	1 063	1	-	4	-	5	293	547	-	100	5
+/-	-38	-	-1	-39	1	4	1	-	-	-90	-4	-	-6	-
Ukrainian Greek-Catholic Church														
1 January 1999	3 301	2	15	3 212	73	1 274	2	1	10	1 527	2 161	41	9 097	27
1 January 1998	3 235	2	11	3 151	61	1 292	1	-	9	1 385	2 052	36	941	26
+/-	66	-	4	61	12	-18	1	1	1	142	+109	5	56	1
Roman Catholic Church														
1 January 1999	802	1	6	751	33	252	3	2	6	372	401	274	307	12
1 January 1998	772	-	5	732	26	219	2	2	5	205	341	238	241	15
+/-	30	1	1	19	7	33	+1	-	1	167	60	36	68	-3
Ukrainian Society of Evangelical Christians Associations (Baptists)														
1 January 1999	1 956	3	26	1 978	-	-	60	2	20	3 357	2 618	24	932	10
1 January 1998	1 931	3	25	1 826	-	-	54	2	21	3 119	2 476	10	763	10
+/-	25	-	1	152	-	-	6	-	-1	238	142	14	169	-
Ukrainian Society of Evangelical Christians (Pentecostalists)														
1 January 1999	1 104	2	27	1 016	-	-	47	1	11	1 363	1 414	8	584	9
1 January 1998	1 048	2	27	968	-	-	42	1	8	1 299	1 295	2	569	11
+/-	56	-	-	48	-	-	5	-	3	64	119	6	15	-2

Seventh-Day Adventists														
1 January 1999	734	2	9	721	-	-	1	-	1	130	877	3	308	6
1 January 1998	664	2	9	651	-	-	1	-	1	600	876	5	256	5
+/-	70	-	-	70	-	-	-	-	-	-470	1	-2	52	1
Jehovah's Witnesses														
1 January 1999	515	1	-	514	-	-	-	-	-	-	1 067	29	59	1
1 January 1998	566	1	-	565	-	-	-	-	-	-	959	26	60	-
+/-	-51	-	-	-51	-	-	-	-	-	-	108	3	-1	1
New Apostolic Church														
1 January 1999	56	1	2	53	-	-	-	-	-	-	69	19	12	-
1 January 1998	51	1	1	49	-	-	-	-	-	-	50	18	6	-
+/-	5	-	1	4	-	-	-	-	-	-	19	1	6	-
"Full Gospel" Church														
1 January 1999	204	3	-	191	-	-	5	-	5	1 290	291	3	101	6
1 January 1998	160	3	-	150	-	-	2	-	5	1 430	218	3	74	6
+/-	44	-	-	41	-	-	3	-	-	-140	73	-	27	-
Religious and civil societies of the Jewish faith														
1 January 1999	107	3	-	102	-	-	1	-	1	-	54	30	32	13
1 January 1998	97	2	-	92	-	-	2	-	1	20	42	27	29	9
+/-	10	1	-	10	-	-	-1	-	-	-20	12	3	3	4
Muslim religious societies														
1 January 1999	287	3	-	281	-	-	-	-	3	131	273	15	32	4
1 January 1998	260	3	-	255	-	-	-	-	2	58	240	14	28	4
+/-	27	-	-	26	-	-	-	-	1	73	33	1	4	-
Krisha consciousness society														
1 January 1999	34	1	-	32	-	-	-	-	1	40	33	-	6	2
1 January 1998	36	1	-	34	-	-	-	-	1	40	32	-	5	2
+/-	2	-	-	-2	-	-	-	-	-	-	1	-	1	-
Summary of comparative data on number of religious organizations in Ukraine														
1 January 1999	21 837	37	167	21 128	232	4 609	144	35	94	13 078	19 312	578	6 400	173
1 January 1998	20 406	32	160	19 780	198	4 095	123	27	86	12 805	17 798	553	5 642	159
+/-	+1 431	5	7	+1 348	34	514	21	8	8	273	+1 514	25	758	14

Annex 2

Principal wage indicators (1990-1998)

	Unit	1990	1991	1992	1993	1994	1995	1996	1997	1998
Minimum wage	Krb HRV	80	124	967	13 642	60 000	60 000	126	1 500	5 000
Notional average monthly wage (excl. cooperatives)	Krb HRV	248	474	6 650	155 400	1 377 150	8 074 20 680.74	13 849	15 608	
Notional average monthly wage (incl. cooperatives)	Krb HRV		4 797	65 504	162 790.2	1 427 708	7 341 75 073.42	12 584	14 313	15 350
Notional wage index (incl. cooperatives)	%			1 365.5	24 852	8 770	5 142	1 714	1 137	1 072
Real wage (base: 1990)	Krb HRV	248	2 162	1 825	743	665	820	773	757	757
Real wage index (as of December of each year)	%		1 061	613	485	854	1 281	862	976	871
Ratio of minimum wage to										
poverty threshold	%				202	305	45	185	212	705
Notional wage (incl. cooperatives)	%		258	148	84	42	8	100	105	32.6